

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
 E/S Longnecker Road, 400' N of * ZONING COMMISSIONER
 the c/l of Piney Grove Road * OF BALTIMORE COUNTY
 (14207 Longnecker Road) * Case No. 96-89-SPH
 4th Election District *
 3rd Councilmanic District *
 Neil Steven Kravitz *
 Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that property known as 14207 Longnecker Road, located in the vicinity of Butler Road near Glyndon. The Petition was filed by the owner of the property, Neil Steven Kravitz. The Petitioner seeks a special hearing to approve a firearms license in a residential zone as a home occupation. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Neil Kravitz, property owner, Herbert Malmud, Registered Land Surveyor who prepared the site plan for this property, and Jay Fred Cohen, Esquire, attorney for the Petitioner. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 0.5 acres, more or less, zoned R.C. 2 and is improved with a two-story single family dwelling, and a one-story building of approximately 500 sq.ft. in which the Petitioner conducts his business/hobby/avocation. The property is located adjacent to Longnecker Road in the rural area of northern Baltimore County near Glyndon. Mr. Kravitz testified and described his avocation which is the subject of this Special Hearing request. The Petitioner was questioned by Counsel regarding these activities

ORDER RECEIVED FOR FILING

Date

By

10/17/95
 [Signature]

and also by this Zoning Commissioner in some detail. Mr. Kravitz indicated that he is licensed by both the Federal Government's Bureau of Alcohol, Tobacco and Firearms (ATF) and the Maryland State Police as a firearms dealer. The subject Petition was filed in order to obtain zoning approval for activities conducted in connection with these licenses. In this regard, Mr. Kravitz indicated that no signs advertising this activity are posted on the property nor are any employees engaged in the operation of this business.

Mr. Kravitz is employed on a full-time basis as a technical sales specialist for Microsemi Corporation, a semi-conductor manufacturing business. However, he has been for many years a firearms enthusiast and the subject activity has grown from this avocation. Apparently, this hobby is comprised of two activities. First, Mr. Kravitz sells firearms. In this respect, he is a licensed dealer and is regulated by State and Federal standards. Mr. Kravitz testified that he has sold approximately 40 firearms within the past two years. Although the sale of firearms is a portion of the business, the main activity is as a manufacturer of ammunition. In this respect, Mr. Kravitz indicated that he is retained by competitors who require high quality ammunition for shooting competition and hunting. Frequently, these individuals will provide the Petitioner with casings from expended ammunition. Working with these casings, Mr. Kravitz will manufacture ammunition to exacting specifications based upon a client's individual weapon. This results in the manufacture of high quality ammunition which will contribute to increased accuracy during hunting and competitive shooting activities. The record will disclose the Petitioner's testimony in this regard as it relates to this activity.

ORDER RECEIVED FOR FILING
Date 10/17/85
By [Signature]

The Petitioner seeks zoning relief to allow the above-described activity to take place on the subject R.C. 2 zoned property as a home occupation. This is the second case of a similar nature which has recently come before this Zoning Commissioner. In Case No. 95-468-SPH, I considered the Petition for Special Hearing filed by Joseph A. Whitt for property located at 15 Seabright Avenue in eastern Baltimore County. In that case, I determined that the Petitioner's business of selling firearms from the subject property as described during that hearing was permissible under the B.C.Z.R. as a home occupation. As I noted in the opinion issued in that case, the B.C.Z.R. are written in the inclusive. See Kowalski v. Lamar, 25 Md. App. 493 (1975). That is, the regulations prohibit any uses which are not explicitly permitted in the B.C.Z.R. If the given use is not specifically allowed by right or by special exception in a specific zone, then it is prohibited.

In this case, the Petitioner wishes to qualify as a home occupation. This is the same track followed by Mr. Whitt which was approved by me in Case No. 95-468-SPH. In that case, I determined that the Petitioner's use of the property met the definition of a home occupation within the B.C.Z.R., and thus, was a permitted use.

A home occupation is defined in the B.C.Z.R. as "Any use conducted entirely within a dwelling which is incidental to the main use of the building for dwelling purposes and does not have exterior evidence, other than a permitted sign, to indicate that the building is being utilized for any purpose other than as a dwelling, and in connection with which no commodity is kept for sale on the premises, not more than one person is employed on the premises, other than domestic servants or members of the

ORDER RECEIVED FOR FILING
Date 11/10/95
By [Signature]

immediate family, and no mechanical equipment is used except such as may be used for domestic purposes."

In the Whitt case, it was clear from the testimony and evidence presented that Mr. Whitt met each and every one of the requirements listed. The facts presented in the instant case, however, are decidedly different, and thus, the Petition here must be denied.

First, it is clear that the activity described does not occur entirely within a "dwelling" and is incidental to the main use of the building for dwelling purposes. As Mr. Kravitz candidly admitted, he resides in the two-story dwelling located on the property. The firearms activity as described above takes place in the one-story modified garage building located elsewhere on the property. Thus, it is clear, the Petitioner's activity does not fall within the definition of a home occupation in that same is not conducted entirely within the dwelling itself.

The subject activity can also be distinguished from Mr. Whitt's operation on other bases as well. As I stated within the Whitt decision, a significant factor was that Mr. Whitt did not maintain any inventory of goods or products on the property. That is, he described himself as a mail order supplier, only. Firearms sold by Mr. Whitt went directly from the manufacturer to the purchaser, with Mr. Whitt as a middle conduit. This activity is markedly different from the manufacturing operation which occurs on the Kravitz' site. Although Mr. Kravitz' activity is obviously on a small scale, it is a manufacturing use nonetheless. As described by the Petitioner, it is clear that the primary focus of the activity is to assemble different products (shell casings, powder, projectiles, etc.) into a single finished product (i.e. ammunition). Although the process is markedly different from major industrial manufacturers in other regions of

ORDER RECEIVED FOR FILING

Date

By

Baltimore County, the process is nonetheless manufacturing and clearly not a home occupation as that term is defined by the B.C.Z.R. Moreover, there was no testimony as to the mechanical equipment employed in the process and whether any such equipment can be utilized for domestic purposes, as required by the home occupation definition. For all of these reasons, it is clear that the Petition for Special Hearing should be denied and I shall so Order.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested in the special hearing shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of October, 1995 that the Petition for Special Hearing seeking approval of a firearms license in a residential zone as a home occupation, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 10/17/95
By [Signature]

PDM 3/24/97

to file

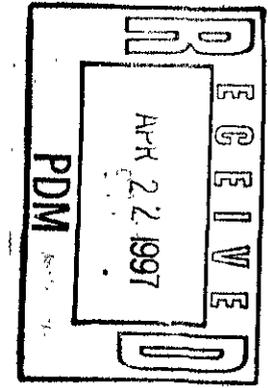


97-1848

IN THE MATTER OF THE
APPLICATION OF NEIL
KRAVITZ
FOR A SPECIAL HEARING
ON PROPERTY LOCATED
ON THE EAST SIDE
LONGNECKER ROAD, 400'
N. OF THE C/L OF PINEY
GROVE RD (14207 LONG-
NECKER ROAD)
4TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

*
*
*
*
*
*
*
*
*
*

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
CASE NO.: 3-C-96-9060



MEMORANDUM OPINION

This matter comes before this Court as an appeal by the property owner from the County Board of Appeals' denial of a Petition for Special Hearing requesting the sale of firearms and the manufacture of ammunition on residentially zoned property as a home occupation.

Petitioner resides at 14207 Longnecker Road near Glyndon in northern Baltimore County, which is located in an R.C.2 zone. This lot is improved with two buildings connected by a walkway with an overhang from the smaller building to the rear uncovered back patio of the larger building. It is undisputed that there is no internal access between the two buildings.

From this location Petitioner engages in the reloading of "custom" ammunition for sale to others, as well as the sale of firearms. Petitioner utilizes a reloading machine press that has the ability to manufacture different types of cartridges for various models of guns. It is undisputed that this machine has no other purpose than to manufacture ammunition. Due to the specific requirements of Petitioner's assorted customers, they must often leave their firearms at Petitioner's residence overnight.

The Federal Government requires that any person desiring to engage in business as a firearms or ammunition importer, manufacturer, or dealer must first obtain a license to do so in

FILED MAR 25 1997

12000

accordance with the Federal Violent Crime Control and Law Enforcement Act of 1994. 18

U.S.C.S § 923 (d)(1)(F)(i). Additionally, the Act specifically requires that:

“(F) The applicant certifies that the business to be conducted under the license is not prohibited by State or local law in the place where the licensed premises is located;”

See 18 U.S.C.S. § 923 (d)(1)(F)(i). This requirement includes compliance with local zoning and fire regulations. In accordance with this section Baltimore County Police Department sent each holder of an ammunition sales license residing in a residential zone a letter advising the holder that compliance with the local zoning law was required. At this time Petitioner filed for a Special Hearing to determine that he was properly operating a “home occupation” at his residence. This Petition was denied. Subsequently, Petitioner appealed this denial to the Baltimore County Board of Appeals, which in a written opinion, also denied Petitioner’s request. The instant appeal was then filed.

As is well known, the Circuit Court, sitting in its appellate capacity, is quite limited in its scope of review of a decision of the Baltimore County Board of Appeals. The concept of appellate review is discussed in the cases of People’s Counsel v. Mangione, 85 Md.App. 738 (1991), and Red Roof Inns v. People’s Counsel, 96 Md.App 219 (1993). These decisions reaffirm the language of prior cases in which the general standard is defined as “whether a reasoning mind reasonably could have reached the factual conclusion the agency reached; this need not and must not be either judicial fact-finding or a substitution of judicial judgment for agency judgment.” Mangione, 85 Md.App at 750, and cases cited therein. The case law establishes that a reversal of an agency decision is only proper where the reviewing court demonstrates specific examples of illegality, unreasonableness, or a total disregard of the

evidence.

In the instant case, the central issue for this Court to determine is whether Petitioner's activity of manufacturing and selling "reloaded" ammunition constitutes a permitted "home occupation" as defined in the Baltimore County Zoning Regulations. A "home occupation" is a permitted accessory use in an R.C.2 zone, provided it complies with the definitions in BCZR §

101. A "home occupation" is defined as follows:

Any use conducted entirely within a dwelling which is incidental to the main use of the building for dwelling purposes and does not have any exterior evidence, other than a permitted sign, to indicate that the building is being utilized for any purpose other than that of a dwelling; and in connection with which no commodity is kept for sale on the premises, not more than one person is employed on the premises other than domestic servants or members of the immediate family, and no mechanical equipment is used except such as may be used for domestic purposes. A home occupation does not include fortune telling. [B.C.Z.R., 1955, Bills No. 124, 1978; No. 27, 1981.]

For the reasons set forth below this Court holds that the Board of Appeals was correct in determining that Petitioner's activity of manufacturing bullets for sale in his home does not fall within the definition of a "home occupation," and is thus barred by the applicable zoning regulations cited above.

Initially, this Court finds that Petitioner's activity goes beyond that which could reasonably be considered "incidental" to the main use of the dwelling. Petitioner asserts, both in his written memorandum and at oral argument, that this activity is a mere hobby, and should therefore fall under the "domestic use" umbrella of permitted activities. Petitioner's Transcript at 10. In fact, Petitioner contends that the Board of Appeals has, by the denial of this Request, "discriminated against thousands of hobbyists who reload their own ammunition." *Id.* at 11.

However, Petitioner's testimony at the hearing below clearly indicates that this activity far surpasses that which could reasonably be considered a "hobby." Specifically, Petitioner acknowledged that he has manufactured approximately 10,000 rounds of ammunition for sale to his customers in the past year. Transcript at 81. He has also assembled and sold over 40 firearms in the past two years. Both the commercial nature and sheer magnitude of this activity preclude this Court from agreeing with Petitioner that his activity is merely a hobby.

With respect to that part of the "home occupation" definition of the Baltimore County Zoning Regulations involving that "which is incidental to the main use of a building for dwelling purposes" the Zoning Commissioner's Policy Manual states:

(2) This statement is interpreted based upon the common definition of the word 'incidental'; i.e., that a 'home occupation' is a use that happens as a result of and in connection with the principal use as a dwelling. The use must therefore be of a domestic nature.

Uses that easily fall within this definition would be a person who takes in ironing or washing of clothes, sewing or dressmaking, and/or cooking. Other more modern days uses such as computers used to keep track of home finances and related matters can be considered as domestic equipment. As a home occupation use, a computer must be used in a manner that is secondary or minor and can be associated in some way with the normal domestic functions of the dwelling.

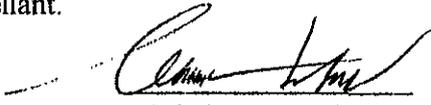
After a thorough review of the entire record made below, the written briefs, and the arguments presented at the hearing of this matter, this Court agrees with the Board of Appeals that the extent to which Petitioner engages in the manufacturing of ammunition happens "as a result of and in connection with the principal use as a dwelling." Simply put, the manufacturing and sale to others of "custom" ammunition, at a rate of approximately 10,000 units per year is not customarily considered to be a domestic function. Appellant here argues that ammunition

reloading is a domestic usage that can be traced back to colonial times. However, as times have changed, so also have domestic practices that once were considered as standard functions in every household. The Board of Appeals was not unreasonable in concluding that Petitioner's activity is not akin to those domestic functions contemplated by the Zoning Commissioner, such as sewing and cooking.

Additionally, the definition of "home occupation" as set out above prohibits the use of mechanical equipment that would not ordinarily be utilized for domestic purposes. There is no doubt that the machine press in question here has but one function - the manufacture of ammunition. It does not perform any other task within or about the dwelling. It logically follows from the above analysis, then, that the machine itself is not incidental to the main use of the building for dwelling purposes.

As stated above, a reviewing court is restricted to the record made before the administrative agency, and is confined to whether, based on the record, a reasoning mind reasonably could have reached the factual conclusion reached by the agency. The decision of the Board in this case was supported by competent, material and substantive evidence.

For the foregoing reasons, the decisions of the Baltimore County Board of Appeals is hereby AFFIRMED, with costs of this Appeal to be paid by Appellant.


Christian M. Kahl

March 24, 1997
Date

cc: Peter Max Zimmerman, Esq.
Jay Fred Cohen, Esq.

CIRCUIT COURT FOR BALTIMORE COUNTY
 Suzanne Mensh
 Clerk of the Circuit Court
 County Courts Building
 401 Bosley Avenue
 P.O. Box 6754
 Towson, MD 21285-6754
 (410)-887-2601, TTY for Deaf: (800)-735-2258
 Maryland Toll Free Number (800) 938-5802

11/22/04

Case Number: 03-C-96-009060 AE
 Date Filed: 09/05/1996
 Status: Closed/Active
 Judge Assigned: To Be Assigned,
 Location :

In The Matter Of: The Application Of Neil S Kravitz

C A S E H I S T O R Y

OTHER REFERENCE NUMBERS

Description	Number
-----	-----
Case Folder ID	C96009060V01 C9609060

INVOLVED PARTIES

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
PET	001 Kravitz, Neil S		CT DO 03/25/97	09/05/96
		Party ID: 0106223		
	Mail: 14207 Longnecker Road	09/05/96		
	Baltimore, MD			
	Attorney: 0028268 Cohen, Jay Fred			09/05/96
	100 Church Lane			
	Baltimore, MD 21208			
	(410)484-3050			
ITP	001 Baltimore County Board Of Appeals The		CT DO 03/25/97	09/05/96
		Party ID: 0106225		
	Mail: 400 Washington Avenue	09/05/96		
	Room 49			

Towson, MD 21204

Attorney: 0005744 Demilio, Carole S
 206 Washington Avenue
 Towson, MD 21204
 (410)825-6963

09/18/96

0029075 Zimmerman, Peter M
 People's Counsel For Baltimore County
 Room 47 Courthouse
 400 Washington Ave
 Towson, MD 21204
 (410)887-2188

09/18/96

CALENDAR EVENTS

Date	Time	Dur	Event Description	Text SA	Jdg Day	Of Notice	User ID
Result			ResultDt By Result Judge	Rec			
03/20/97	09:30A	02Q	Civil Non-Jury Trial	Y	TBA	01 /01	JD KFF
	Conclude		03/20/97 C C.Kahl	Y			
Stenographer(s): Anthony M. Greaver							

DISPOSITION HISTORY

Disp Date	Disp Code	Description	Stage Code	Description	User
03/25/97	D0	Decree or Order	CT	AFTER TRIAL/HEARING	

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign Date	Removal RSN
TBA To Be Assigned.	J	09/05/96	

DOCUMENT TRACKING

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
0001000	Petition for Judicial Review For a special hearing on property located on the east side of longnecker road, 400' n of the C/L of Piney Grove Rd (14207 Longnecker Road) 4th election district, 3rd councilmanic district.	09/05/96	09/05/96	PET001	TBA	03/25/97	CB PH
0001001	Answer	09/16/96	09/18/96	ITP001	TBA	03/25/97	PS PH

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
0002000	Certificate Of Notice	09/11/96	09/12/96	000	TBA	03/25/97	JBJ PH
0003000	Notice of Appeal Sent	11/06/96	11/06/96	PET001	TBA	11/06/96	JBJ JBJ
0004000	Notice of Appeal Sent	11/06/96	11/06/96	ITP001	TBA	11/06/96	JBJ JBJ
0005000	Transcript of Record from Adm Agency **	11/04/96	11/06/96	000	TBA	03/25/97	JBJ PH
0006000	Notice - Recpt of Record of Proceedings ** copies sent	11/04/96	11/06/96	000	TBA	03/25/97	JBJ PH
0007000	Request for Hearing on this appeal	12/06/96	12/09/96	PET001	TBA	03/25/97	KP PH
0008000	Memorandum Pursuant to MD Rule 7-207	12/06/96	12/09/96	PET001	TBA	03/25/97	KP PH
0009000	Scheduling Order	12/10/96	12/10/96	000	TBA	12/10/96	JD JD
0010000	Reply Memorandum	01/27/97	01/29/97	PET001	TBA	03/25/97	JBJ PH
0011000	Open Court Proceeding March 20, 1997. Hon Christian M Kahl. Hearing had. Held sub curia pending Court reviewing transcript. Order to be filed.	03/20/97	03/20/97	000	CMK	03/25/97	KFF PH
0012000	Order affirming decision	03/25/97	03/25/97	000	CMK Granted	03/25/97	PH PH
0013000	Invoice #5130 sent to Jay Fred Cohen	03/26/97	03/26/97	000	TBA		AS AS
0014000	sent docket entries to Board of Appeals	03/26/97	03/26/97	000	TBA		LC LC

TICKLE

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type	Num	Seq
1ANS	1st Answer Tickle	CLOSED	09/18/96	0	no	no	DANS	D	001	001
1YRT	One Year Tickle (Jud	CLOSED	09/05/97	365	no	no	DAAA	D	000	000
DEXH	Destroy Exhibits	OPEN	12/12/04	33	no	no	U643	F	000	000
EXPU	Exhibit Pickup Notic	OPEN	05/24/97	30	no	no			000	000
SLMM	Set List Motions Mar	CLOSED	09/01/99	999	yes	no	DRHR	D	000	000
SLTR	Set List For Trial	DONE	09/18/96	0	yes	yes	1ANS	T	001	001

EXHIBITS

Line #	Marked	Code	Description	SpH	Sloc	NoticeDt	Disp Dt	Dis By

Offered By: ITP 001 Baltimore County Board Of App								
000		I	RETURNED					

DIFFERENTIATED CASE MANAGEMENT

TRACKS AND MILESTONES

Track : R1 Description: EXPEDITED APPEAL TRACK Custom: Yes
Assign Date: 12/10/96 Order Date : 12/10/96
Start Date . 12/10/96 Remove Date:

Milestone	Scheduled	Target	Actual	Status

Motions to Dismiss under MD. Rule 2-322(12/25/96	03/25/97	03/25/97	CLOSED
All Motions (excluding Motions in Limine	02/08/97	03/25/97	03/25/97	CLOSED
TRIAL DATE is	03/20/97	03/10/97	03/20/97	REACHED

VE

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258

96-89-SPH

03/26/97

Case Number: 03-C-96-009060 AE
Date Filed: 09/05/96
Status: Closed/Active
Judge Assigned: To Be Assigned,

In The Matter Of: The Application Of Neil S Kravitz

C A S E H I S T O R Y

INVOLVED PARTIES

Type Num	Name(Last,First,Mid,Title)	Dispo	Entered
PET 001	Kravitz, Neil S Attorney: 0028268 Cohen, Jay Fred 100 Church Lane Baltimore, MD 21208 (410)484-3050	CT DO	03/25/97 09/05/96
ITP 001	Baltimore County Board Of Appeals The Attorney: 0005744 Demilio, Carole Room 47, Courthouse 400 Washington Avenue Towson, MD 21204 (410)887-2188 0029075 Zimmerman, Peter M Room 47 Courthouse 400 Washington Avenue Towson, MD 21204 (410)887-2188	CT DO	03/25/97 09/05/96

03/26/97 09:30A

CALENDAR EVENTS

Date	Time	Dur	Cer	Evnt	Jdg	L Day	Of	Rslt	By	ResultDt	Jdg	T Notice	Rec
03/20/97	09:30A	002	yes	CIVI	TBA	01	/01	CON	C	03/20/97	CMK	P	Y

Stenographer(s): Anthony M. Greaver

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign Date	Removal RSN
TBA To Be Assigned,	J	09/05/96	

DOCUMENT TRACKING

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
001000	Petition for Judicial Review For a special hearing on property located on the east side of Longnecker road, 400' n of the C/L of Piney Grove Rd (14207 Longnecker Road) 4th election district, 3rd councilmanic district.	09/05/96	09/05/96	TBA	PET001		03/25/97	CB PH
001001	Answer	09/18/96	09/16/96	TBA	ITP001		03/25/97	PS PH
002000	Certificate Of Notice	09/12/96	09/11/96	TBA	000		03/25/97	JH PH
003000	Notice of Appeal Sent	11/06/96	11/06/96	TBA	PET001	11/06/96	11/06/96	JH JH
004000	Notice of Appeal Sent	11/06/96	11/06/96	TBA	ITP001	11/06/96	11/06/96	JH JH
005000	Transcript of Record from Adm Agency **	11/06/96	11/04/96	TBA	000		03/25/97	JH PH
006000	Notice - Recpt of Record of Proceedings ** copies sent,	11/06/96	11/04/96	TBA	000		03/25/97	JH PH
007000	Request for Hearing on this appeal	12/09/96	12/06/96	TBA	PET001		03/25/97	KP PH
008000	Memorandum Pursuant to MD Rule 7-207	12/09/96	12/06/96	TBA	PET001		03/25/97	KP PH
009000	Scheduling Order	12/10/96	12/10/96	TBA	000	12/10/96	12/10/96	JD JD
010000	Reply Memorandum	01/29/97	01/27/97	TBA	PET001		03/25/97	JH PH
011000	Open Court Proceeding March 20, 1997. Hon. Christian M. Kahl. Hearing had. Held sub curia pending Court reviewing transcript. Order to be filed.	03/20/97		CMK	000		03/25/97	KFM PH
012000	Order affirming decision	03/25/97		CMK	000	Granted	03/25/97	PH PH
013000	Invoice #5130 sent to Jay Fred Cohen	03/26/97		TBA	000			AS AS
014000	sent docket entries to Board of Appeals	03/26/97		TBA	000			LC LC

TICKLE

Code Tickle Name	Status Expires	#Days	AutoExpire	GoAhead	From Type
1YRT One Year Tickle (Jud	CLOSED 09/05/97	365	no	no	DAAA D
1ANS 1st Answer Tickle	CLOSED 09/18/96	0	no	no	DANS D
SLTR Set List For Trial	DONE 09/18/96	0	yes	yes	1ANS T
SLMM Set List Motions Mar	CLOSED 09/01/99	999	yes	no	DRHR D
EXPU Exhibit Pickup Notic	OPEN 05/24/97	30	no	no	

EXHIBITS

Line #	Marked	Code Description	SpH	Sloc	NoticeDt	Disp Dt	Dis By
Offered By: ITP 001 Baltimore County Board Of App							
1	000	I BOX 464 ZOANING EX		B			

DIFFERENTIATED CASE MANAGEMENT
TRACKS AND MILESTONES

Track : R1 Description: EXPEDITED APPEAL TRACK Custom: Yes
 Assign Date: 12/10/96 Order Date : 12/10/96
 Start Date : 12/10/96 Remove Date:

Milestone	Scheduled	Target	Actual	Status
Motions to Dismiss under MD. Rule 2-322C	12/25/96	03/25/97	CLOSED	
All Motions (excluding Motions in Limine	02/08/97	03/25/97	CLOSED	
TRIAL DATE is	03/20/97	03/10/97	03/20/97	REACHED

JAY FRED COHEN

Attorney At Law

**100 Church Lane
Baltimore, Maryland 21208**
~~~~~

Telephone . (410) 484-3050

Fax . (410) 653-1546

December 3, 1996

County Board of Appeals  
County Court House  
400 Washington Avenue  
Towson, Maryland 21204

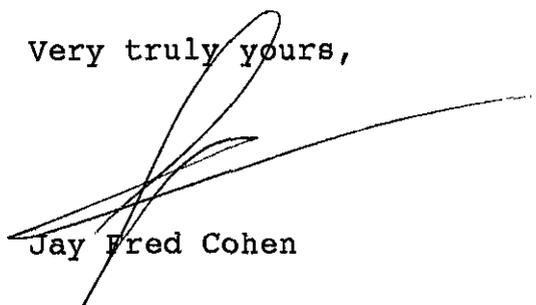
RE: Neil S. Kravitz  
Case No.: 03-C-009060

Dear Gentlemen:

Enclosed herewith is a copy of the Memorandum Pursuant to Maryland Rule 7-207 in reference to the above captioned case.

If you have any questions, please do not hesitate to contact me. I remain

Very truly yours,



Jay Fred Cohen

enclosure  
JFC/llw

96 DEC 3 1996

12/3/96

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

**COPY**

|                                       |             |
|---------------------------------------|-------------|
| IN THE MATTER OF:                     | :           |
| THE APPLICATION OF                    | :           |
| NEIL S. KRAVITZ                       | :           |
| 14207 LONGNECKER ROAD                 | :           |
| BALTIMORE COUNTY, MD.                 | : CASE NO.  |
|                                       | 03-C-009060 |
| FOR JUDICIAL REVIEW OF                | :           |
| THE DECISION OF THE CIVIL ACTION OF   | :           |
| THE BALTIMORE COUNTY BOARD OF APPEALS | :           |
| CASE NO: 96:89-SPH                    | :           |

MEMORANDUM PURSUANT TO MARYLAND RULE 7-207

**QUESTIONS PRESENTED**

1. The prime question presented by this memorandum concerns whether the holder of a Federal Firearms License, a State Firearms License and who reloads ammunition in his private residence can do so as a home occupation when all of the provisions of the County Code are complied with.
  
2. Whether the decision of the Baltimore County Board of Appeals is supported by law and the facts in this case.
  
3. Whether the decision of the Baltimore County Board of Appeals is supported by the evidence.
  
4. Whether the Baltimore County Board of Appeals decision is arbitrary, capricious, a denial of due process of law, and in violation of the equal protection clause of the Constitution.

## STATEMENT OF FACTS

The Petitioner, Neil Kravitz, lives on a 0.5 area plot of land in Baltimore County, known as 14207 LONGNECKER Road in the 4th Election district. The property is in a rural area and surrounded by farms. The land is improved by a single residence consisting of two buildings connected by a covered passageway.

Kravitz has a number of hobbies. One of his hobbies is reloading his own ammunition for shooting either rifles or pistols in competitions. KRAVITZ is very adept at reloading ammunition and other competition shooters ask him to reload ammunition for them.

The reloading of ammunition for ones self does not require any licenses, however, when your hobby expands and you start to reload ammunition for others, the Federal Government requires that you obtain what is known as a Federal Firearms License specifically for loading of ammunition. One of reasons for this, is that one of the methods for determining a proper propellant load for a specific pistol or rifle requires the reloader, in this case Kravitz, to have in his possession the pistol or rifle. When Kravitz keeps a pistol or rifle in his possession overnight the Federal Govt requires a Federal Firearms License as a gunsmith. In order to comply with the Federal regulations Kravitz applied for and obtained a Federal Firearms License as a gunsmith. Kravitz in compliance with state law applied for and

obtained a State License.

Kravitz now in compliance with both the state and federal requirements proceeded with his hobby which began to produce a small income.

Kravitz having complied with all of the state and federal requirements also complies with all of the county's requirements. Kravitz does not advertise, there are no signs on his property, he does not sell out of his house, and he does not keep any commodity in his house for sale on the premises. Kravitz uses a hand operated loading press that takes up a space less than 3 feet by 3 feet. The loading press is a domestic piece of mechanical equipment which is used by hobbyist all over the United States and like other equipment similar to the loading equipment are used by people that reload shot gun shells, rifle shells and pistol shells. The people that reload their own ammunition for personal domestic uses for target shooting, hunting, and other domestic uses. The use of a hand loading machine is not dissimilar to a drill press, table saw, milling machine used in a home for metal and wood hobbyists.

Kravitz was and is in full compliance with all the requirements set out by the federal, state and county governments. Along comes a letter (exhibit #7) from the Baltimore County Police which is a complete distortion of the both the federal, state and county laws. Kravitz in trying to comply with the letter files

with the Baltimore County Zoning Authority a petition to determine that he is properly operating a "home occupation" in his residence.

The Zoning Commissioner denied the petition and an appeal was taken to the County Board of Appeals. The Board filed its opinion in which two of the members basically determined that the hand operated loading press that requires an area of 3 feet by 3 feet was not a domestic usage. The third member of the Board determined that the equipment was a domestic usage but that the operation was conducted in an auxiliary building which is not the main dwelling and is not attached to the main dwelling.

#### THE LAW

The case relies on the definition of a "Home Occupation" which is referenced in the General Provision of the Baltimore County Zoning Regulations (BCZR), section 101 which states as follows:

HOME OCCUPATION: Any use conducted entirely within a dwelling which is incidental to the main use of the building for dwelling purposes and does not have any exterior evidence, other than a permitted sign, to show that the building is being used for any purpose other than that of a dwelling; and in connection with which no commodity is kept for sale on the premises, not more than one person is employed on the premises other than

domestic servants or members of the immediate family, and no mechanical equipment is used except such as may be used for domestic purposes. A "Home Occupation" does not include fortune-telling."

#### ARGUMENT

1. The prime question presented by this memorandum concerns whether the holder of a Federal Firearms License, a State Firearms License and who reloads ammunition in his private residence can do so as a home occupation when all of the provisions of the County Code are complied with.

The Baltimore Zoning Regulations, section 101 sets out the guidelines and the definition for a "Home Occupation".

Testimony introduced by Kravitz was undisputed, however some of it was incorrectly recalled and/or interpreted by the Board. The following is the testimony that related to section 101.

Page 37

q. Are there any signs on the premises indicating any business or anything that you do?

a. No. The only sign is the press (phonetic) sign that's on this post right here that you're require by law.

q. Do you sell any commodities on the property ?

a. No.

q. Did you store any commodities on the property for sale?

a. No.

q. Does anybody other than yourself work there?

a. No.

Page 32

q. ...can you identify what is the actual dwelling and all the buildings located on Mr. Kravitz's half acre.

a. All the buildings on Mr. Kravitz's

q. Yes

a. It's this house and it's shown right here.

q. Are those two separate buildings?

a. They are connected by a passageway.

q. In your drawing

a. You can see it on here. This is the main building. This is the passageway. And there is the smaller building.

q. It's not clear from the photographs, though it may be clear from Exhibit 5. The passageway does not connect to both the buildings does it?

a. Well, it's a covered passageway. Technically, I think a covered passageway makes it looked at as one building.

Page 34

q. Correct me if I'm wrong, but your exhibit 5, the passageway to the back of the yard, or the second building I call it

a. Well, it's a covered walkway and it connects, as far as I can see, to the other building.

Page 56

q. Would you say that the room that you use in the house is what the call diminimus, almost nothing compared to the rest

of the house?

a. Six square feet. And in there, there's a computer too, which takes up four square feet.

Page 55

q. Would you say that this equipment is used with domestic purposes in the average home.

a. Sure. Anybody can buy it.

q. Anybody

a. You, this lady here, you could buy it. Anybody.

q. So similar to a say which you may do carpentry with?

a. Yes

Kravitz complies with Section 101 in ever aspect.

2. Whether the decision of the Baltimore County Board of Appeals was supported by law and the facts in this case.

The Baltimore County Zoning Regulations and some of the facts set out above clearly show that Kravitz has complied with not only the intent but also the letter of the law.

The Board agreed that the second building was attached to the first building by a covered passageway. The Board went on and said "that the spirit of the law infers "an enclosed passageway" rather than a 'covered walkway." Section 101 states "A structure connected to a principal building by a covered passageway or with one wall in common shall not be considered an accessory

building." The testimony is that the passageway is covered and connected to the principle building and therefore the second building is not an accessory building. Since the two structures are considered as one unit then there can not be an accessory building. The one unit is used as a dwelling with the operation of the reloading is conducted and incidental to the dwelling use.

The Board has arbitrarily determined that "domestic", does not include a small hand operated press for the reloading of ammunition. Is the Boards conclusion colored because it was dealing with guns and ammunition? Would the Board have a different definition conclusion if we were dealing with sewing equipment? In the case of City of Takoma Park, et al v. county Board of Appeals for Montgomery County 259 Md. 619, 270 A.2d 772, The Court of Appeals left standing a ruling made by the County Board of Appeals who found that the operation of a for profit business which manufacturers drapes and slip covers was a permissible domestic use. The machinery was a sewing machine and stapler. The regulations of Montgomery County were not dissimilar to those of Baltimore County. Montgomery County employed the words "in connection with which no equipment or facilities are used other than those needed for purely domestic or household purposes." The Baltimore County regulations are less restrictive then those of Montgomery County and use the words "and no mechanical equipment is used except such as may be used for domestic purposes".

There is no definition of domestic purposes, however, if the use of a sewing machine in a profit making business is a permissible domestic purpose then why the distinctions as to a small hand operated press for reloading used cartridges to make ammunition?

It appears that discrimination and prejudice is not a one way street and it doesn't apply only with people. Discrimination and prejudice also applies with who people are and what they do and participate in. If it is acceptable to make golf clubs at home, then why can a person not reload ammunition? If a person is a hunter and uses the results of the hunt to feed the family are all processes related to the hunt domestic? If that is true then a person who uses a reloading press to make ammunition for the hunt uses the piece of mechanical equipment that is for domestic purposes. If the Board's interpretation is correct then use of photo development and enlarging equipment cannot be considered domestic and a person who uses his home for photography would be in violation of the "Home Occupation." If the two members of the Board are correct, then no one who had a "Home Occupation" would qualify for that category, which would render the provision for "home occupation" meaningless. The narrow definition enumerated by the two members of the Board is not correct. The definition of "Home Occupation" should be read broadly and non-discriminatory.

3. Whether the decision of the Baltimore County Board of Appeals

is supported by the evidence.

The law and the evidence which is not disputed and does not support the Board's position. It is clear that the evidence presented complies with the criteria set out in Section 101.

a. The two building are connected by a covered passageway and therefore the attached building is not considered an accessory building. If it is not considered an accessory building then the use conducted is within the dwelling and incidental to the main use of the building.

b. The argument set out my the dissent and the fact that the use of a reloading press is for a domestic purpose is a proper determination. The real essence of the Board's opinion comer from its view of ammunition reloading, In its opinion, it concludes that the activity is not one considered by the general public as "domestic" for it is "highly specialized and functional for one purpose. This argument is without merit. Hobbies are all specialized. A drill press is used to drill holes, a bench saw is used to saw wood, a photographic enlarger is only used to enlarge negatives, a sewing machine is only used to sew material, a bow is only used to shoot an arrow, a movie projector is only used to show movie film and so on. The conclusion reached by the two members of the Board is without justification and discriminatory. The Board cannot pick and choose between what is a hobby and what is not a hobby. If competition shooting, and hunting are domestic functions

then all related supporting functions such as reloading ones own ammunition is also domestic.

4. Whether the Baltimore County Board of Appeals decision is arbitrary, capricious, a denial of due process of law, and in violation of the equal protection clause of the Constitution.

There is no question that the two members of the Board are discriminating against Kravitz. The Board said "... the Board has given careful consideration to what it considers to be the intent of the County Council in formulating the definition of a "home occupation." The residents of the County must be reasonable assured that the proper function of zoning is to guarantee the general health, safety and welfare of the community in which they reside. Therefore, the definition of a "home occupation" must be narrowly construed to insure that such activity is in conformity with the expectations of the neighborhood. Caution must be exercised to strictly interpret the BCZR to protect the integrity of zoning restrictions as regulated by the County Council. The nature of the finished product and inherent danger associated with he entire ammunition reloading activities cause concern to the Board if classified as a "home Occupation." The Board has in its opinion discriminated against thousands of hobbyist who reload their own ammunition. The neighborhood in this case is in he middle of a farm. There were no neighbors protesting the request at the hearing. The Board has held that the manufacture of cannons in ones garage is a "home occupation" and the sale of

firearms in ones home is also a "home occupation." There was no evidence that here was any danger in reloading ammunition. In fact the evidence was that the propellant used and manufactured is not an explosive and is not used as an explosive. The Board has to hear each case on its own merits and in this case they have not done so.

The County Code does not say that the definition of a "home occupation" must be narrowly construed. The Code set forth broad guidelines, and therefore those guidelines should not be narrowly construed. The only one exception to the definition is that the "home occupation" does not include fortune-telling.

The Board by a two to one decision on the question of domestic use has reached a arbitrary, and capricious decision and has discriminated against Kravitz's use. The question relating to the use of the premises is not the law and should also fail.

The decision of the Board should be reversed.



---

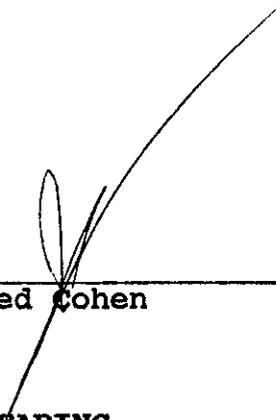
Jay Fred Cohen  
100 Church Lane  
Baltimore, Md 21208  
410-484-3050

**CERTIFICATE OF SERVICE**

I the undersigned hereby certify that a copy of this memorandum has been mailed to the following person or persons on this 3 day of December, 1996.  
County Board of Appeals

County Court House  
400 Washington Ave.  
Towson, MD 21204

Peter Max Zimmerman, Esq.  
People's Counsel  
Room 47, Court House  
400 Washington Ave.  
Towson, Md 21204



---

Jay Fred Cohen

**REQUEST FOR HEARING**

Your Petitioner, Neil S. Kravitz respectfully request a hearing be held in this appeal.



---

Jay Fred Cohen

11/4/96

IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY

PETITION OF NEIL S. KRAVITZ  
14207 LONGNECKER ROAD  
GLYNDON, MARYLAND 21071

FOR JUDICIAL REVIEW OF THE DECISION OF  
THE COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY  
Room 49, Old Courthouse, 400 Washing-  
ton Avenue, Towson, MD 21204

CIVIL  
ACTION  
No. 3-C-96-009060

IN THE CASE OF: IN THE MATTER OF THE  
APPLICATION OF NEIL S. KRAVITZ  
FOR A SPECIAL HEARING ON PROPERTY  
LOCATED ON THE EAST SIDE OF LONGNECKER  
ROAD, 400' N OF THE C/L OF PINEY GROVE  
ROAD (14207 LONGNECKER ROAD)  
4TH ELECTION DISTRICT  
3RD COUNCILMANIC DISTRICT  
CASE NO. 96-89-SPH

\* \* \* \* \*

PROCEEDINGS BEFORE THE ZONING COMMISSIONER  
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Kristine K. Howanski, Charles L. Marks, and S. Diane Levero, constituting the County Board of Appeals of Baltimore County, and in answer to the Petition for Judicial Review directed against them in this case, herewith return the record of proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on file in the Department of Permits and Development Management and the Board of Appeals of Baltimore County:

ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND  
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
OF BALTIMORE COUNTY

NOV 96-89-SPH

August 23, 1995

Petition for Special Hearing filed by Jay Fred Cohen, Esquire, on behalf of Neil Steven Kravitz, to approve a firearms license in a residential zone as a home occupation.

September 22

Certificate of Posting of property.

September 21

Publication in newspapers.

CLERK OF THE CIRCUIT COURT  
BALTIMORE COUNTY

96 NOV 1 11 3 16 AM

RECEIVED  
AND FILED

October 6 ZAC Comments.

October 13 Hearing held on Petition by the Zoning Commissioner.

October 17 Order of the Zoning Commissioner in which Petition for Special Hearing was DENIED.

October 28 Notice of Appeal filed by Jay Fred Cohen, Esquire on behalf of Neil Steven Kravitz.

May 2, 1996 Hearing before the Board of Appeals.

June 19 Deliberation conducted by the Board.

August 16 Opinion and Order of majority of the Board in which the Petition for Special Hearing was DENIED; Concurring/Dissenting opinion issued by Mrs. Levero.

September 4 Amended Opinion and Order issued by the Board to correct the case number.

September 5 Petition for Judicial Review filed in the Circuit Court for Baltimore County by Jay Fred Cohen, Esquire, on behalf of Neil S. Kravitz.

September 10 Copy of Petition for Judicial Review received by the Board of Appeals from the Circuit Court for Baltimore County.

September 11 Certificate of Notice sent to interested parties.

November 4, 1996 Transcript of testimony filed.

Appellants Exhibits No. 1-Blue Press catalog  
2-Aerial photo showing rear of subject property  
3-Aerial photo of subject property and adjacent property  
4-Aerial photo of subject property and adjacent property  
5-Plat of subject property  
6-Pack of .38 caliber processed cased and .35 caliber unprocessed case and lead semi-wad cutters  
7-Letter to Neil Kravitz from Baltimore County Police Headquarters, 5/16/95

People's Counsel  
Exhibits No.

1-Copy of Crime Control and Enforcement  
October of 1994, Subtitle C



(Sent out  
on LTRHO)

September 11, 1996

Jay Fred Cohen, Esquire  
100 Church Lane  
Pikesville, MD 21208

RE: Civil Action No. 3-C-96-009060  
NEIL S. KRAVITZ

Dear Mr. Cohen:

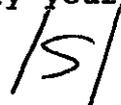
In accordance with Rule 7-206(c) of the Maryland Rules of Procedure, the County Board of Appeals is required to submit the record of proceedings of the petition for judicial review which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within sixty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court within sixty days, in accordance with Rule 7-206(c).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,



Charlotte E. Radcliffe  
Legal Secretary

Enclosure

c: Mr. Neil S. Kravitz



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

September 11, 1996

Peter Max Zimmerman  
People's Counsel for Baltimore County  
Room 47, Old Courthouse  
400 Washington Avenue  
Towson, MD 21204

RE: Civil Action No. 3-C-96-009060  
NEIL S. KRAVITZ

Dear Mr. Zimmerman:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Petition for Judicial Review was filed on September 5, 1996, in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B).

Please note that any documents filed in this matter, including, but not limited to, any other Petition for Judicial Review, must be filed under Civil Action No. 3-C-96-009060.

Enclosed is a copy of the Certificate of Notice, which has been filed in the Circuit Court.

Very truly yours,

*Charlotte E. Radcliffe*  
Charlotte E. Radcliffe  
Legal Secretary

Enclosure

c: Captain William Kalista  
Balto. Co. Police Headquarters  
Pat Keller /Planning  
Lawrence E. Schmidt /PDM  
Arnold Jablon /PDM  
Virginia W. Barnhart, County Attorney



9/10/96

IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY

PETITION OF NEIL S. KRAVITZ  
14207 LONGNECKER ROAD  
GLYNDON, MARYLAND 21071

FOR JUDICIAL REVIEW OF THE DECISION OF  
THE COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY  
Room 49, Old Courthouse, 400 Washing-  
ton Avenue, Towson, MD 21204

CIVIL  
ACTION  
No. 3-C-96-009060

IN THE CASE OF: IN THE MATTER OF THE  
APPLICATION OF NEIL S. KRAVITZ  
FOR A SPECIAL HEARING ON PROPERTY  
LOCATED ON THE EAST SIDE OF LONGNECKER  
ROAD, 400' N OF THE C/L OF PINEY GROVE  
ROAD (14207 LONGNECKER ROAD)  
4TH ELECTION DISTRICT  
3RD COUNCILMANIC DISTRICT  
CASE NO. 96-89-SPH

\* \* \* \* \*

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule 7-202(e) of the Maryland Rules of Procedure, Kristine K. Howanski, Charles L. Marks, and S. Diane Levero, constituting the County Board of Appeals of Baltimore County, has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely, Jay Fred Cohen, Esquire, 100 Church Lane, Baltimore, Maryland 21208, Counsel for Petitioner; Neil S. Kravitz, 14207 Longnecker Road, Glyndon, Maryland 21071, Petitioner; Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, 400 Washington Avenue, Room 47, Towson, Maryland 21204; a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

*Charlotte E. Radcliffe*

Charlotte E. Radcliffe, Legal Secretary  
County Board of Appeals, Room 49 -Basement  
Old Courthouse, 400 Washington Avenue  
Towson, MD 21204 (410) 887-3180

SEP 11 11 30 AM '96

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Jay Fred Cohen, Esquire, 100 Church Lane, Baltimore, Maryland, 21208, Counsel for Petitioner; Neil S. Kravitz, 14207 Longnecker Road, Glyndon, Maryland 21071, Petitioner; Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, 400 Washington Avenue, Room 47, Towson, Maryland 21204, this 11th day of September, 1996.

*Charlotte E. Radcliffe*

Charlotte E. Radcliffe, Legal Secretary  
County Board of Appeals, Room 49 -Basement  
Old Courthouse, 400 Washington Avenue  
Towson, MD 21204 (410) 887-3180

9/5/96

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

PETITION OF  
NEIL S. KRAVITZ  
14207 LONGNECKER ROAD  
BALTIMORE COUNTY, MD.

COPIES

FOR JUDICIAL REVIEW OF  
THE DECISION OF THE CIVIL ACTION OF  
THE COUNTY BOARD OF APPEALS OF  
BALTIMORE COUNTY, ROOM 49  
400 WASHINGTON AVENUE,  
TOWSON, MD 21204, CASE # 96-89-SPH  
(#96-112-SPH)

03.C.96.9060

IN THE CASE OF  
THE APPLICATION OF NEIL S. KRAVITZ  
FOR A SPECIAL HEARING ON PROPERTY  
LOCATED ON THE EAST SIDE OF  
LONGNECKER ROAD, 400' N OF THE C/L  
OF PINEY GROVE RD (14207 LONGNECKER ROAD)  
4TH ELECTION DISTRICT, 3RD COUNCILMANIC  
DISTRICT.

PETITION FOR JUDICIAL REVIEW FROM THE COUNTY BOARD OF APPEALS

Neil S. Kravitz, a party to the action, files this Petition for Judicial Review from the the decision dated August 16, 1996 of the County Board of Appeals of Baltimore County, in case No 96-89-SPH, (ALSO SHOWN AS 96-112 sph). Your petitioner Neil S. Kravitz requests judicial review of the decision. The caption of the case is:

In the matter of the application of Neil S. Kravitz for a Special Hearing on Property located on the East Side of Longnecker Road. 4th election district 3rd councilmanic district.

96 SEP 19 PM 2:31

RECEIVED AND FILED

96 SEP -5 PM 1:22

CLERK OF  
THE CIRCUIT COURT  
BALTIMORE COUNTY

~~Jay Fred Cohen~~  
100 Church Lane  
Baltimore, Md 21208  
410-484-3050  
Attorney for Neil S. Kravitz

0-1  
03  
0

0-1  
03  
0

CIRCUIT COURT FOR BALTIMORE COUNTY  
Suzanne Mensh  
Clerk of the Circuit Court  
County Courts Building  
401 Bosley Avenue  
P.O. Box 6754  
Towson, MD 21285-6754  
(410)-887-2601, TTY for Deaf: (800)-735-2258

Case Number: 03-C-96-009060

TO: BALTIMORE COUNTY BOARD OF APPEALS THE  
400 Washington Avenue  
Room 49  
Towson, MD 21204

8/16/96

IN THE MATTER OF THE  
THE APPLICATION OF  
NEIL S. KRAVITZ  
FOR A SPECIAL HEARING ON  
PROPERTY LOCATED ON THE EAST  
SIDE LONGNECKER ROAD, 400' N  
OF THE C/L OF PINEY GROVE RD  
(14207 LONGNECKER ROAD)  
4TH ELECTION DISTRICT  
3RD COUNCILMANIC DISTRICT

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO. 96-112-SPH

89

\* \* \* \* \*

O P I N I O N

This case comes to the County Board of Appeals based on an appeal from the Zoning Commissioner's Order of October 17, 1995, in which a Petition for Special Hearing to approve a firearms license in a residential zone as a home occupation was denied. A public hearing was held by the Board on Thursday, May 2, 1996 at 10:00 a.m. Jay Fred Cohen, Esquire, represented the Petitioner /Appellant. Carole S. Demilio, Deputy People's Counsel, represented the Office of People's Counsel for Baltimore County.

Mr. Herbert Malmud testified on behalf of the Appellant. He is a licensed Maryland surveyor, and prepared the survey and zoning plat (Appellant's Exhibit 5). Mr. Malmud stated that the subject property was essentially in an isolated rural area of Baltimore County in proximity to Glyndon. He testified that the property consisted of 0.5 acre on which there were two attached buildings. The nearest residence was about 200 ft. to 300 ft. away from Appellant's property.

On cross-examination, Mr. Malmud indicated that he had been licensed for 25 years, and had visited the site on two separate occasions; that the closest farm building was probably about 100 ft. (more or less) away, and that the two buildings on the subject property were separate and unconnected by passageway. He stated that he had never been inside either building and did not know the

contents or interiors of each. He also stated that he had not taken the photographs offered as Appellant's Exhibits 2, 3 and 4.

Neil S. Kravitz, the Petitioner /Appellant, testified at considerable length. He resides in the subject property at 14207 Longnecker Road. Appellant described in great detail his advocacy which was the subject of the appeal. He stated that these activities take place in the smaller building which consists of a small bedroom (converted into an office), kitchen, and another bedroom. The larger building consisted of three bedrooms, a living room, kitchen, sun porch, and wine cellar. He stated that there was no exterior visibility relative to his hobby of reloading ammunition starters, and that no commodities are for sale on the premises, and that he carries no ammunition for sale. He indicated that there are no employees, and the equipment utilized for an ammunition reloading hobby is extremely small and takes up no more space than would possibly a computer or sewing machine.

Appellant's Exhibit 1 was admitted into evidence and was described by Mr. Kravitz as the latest Dillon reloading catalogue in which the Appellant identified the type of equipment used in his hobby (Dillon's RL 1050 reloading machinery -page 30). This equipment, it was stated, is mounted on a 2" x 12" x 24" board, and performs the mechanical functions required in ammunition reloading activities. Mr. Kravitz stated that he has been shooting since he was 14 years of age, and has been in this type of activity for 25 years, and is considered to be an expert in this field with his shells being sought out by individuals who seek perfection in ammunition requirements. He does not advertise or seek out any business. All business comes to him via word of mouth, and he

limits his client base due to time constraints and the professionalism required in this activity. He stated that his clients normally bring their weapons, cases and bullets that they wish to use to him and exactly what they wish to accomplish. He in turn makes cartridges out of these various components, using purchased powder, only limited amounts of which are kept on the premises. He indicated that his entire work area is about 3' x 3' and that, at most, he has only 15 to 20 clients.

He also testified that he has a hobby of putting golf clubs together and described the machinery used. Mr. Kravitz stated that he was a full-time electrical engineer by profession, and that his ammunition reloading activity was just that, and that he spends far more time in this hobby than the compensation received, and that the law requires various licenses to perform this function for other people if compensation is received. He emphatically stated that he was not in this field to make money, but only for the love of perfection in ammunition reloading.

On cross-examination, the Appellant stated that the work performed was done in the smaller house, and that less than 5 lbs. of gunpowder and 5 lbs. of propellant were actually stored on the premises. He again stated that he was a custom maker of bullets, and that his customers bring in the casings. He stated that he was not in the gun business, and that he was solely an assembler of cartridges. He indicated that the State requires him to sell at least 10 guns per year to maintain his license, and if that were not the case, he would refer his friends to purchase firearms at a commercial gun store. He further stated that he had resided at the subject property since 1975 and presently lived there with his

girlfriend. The nearest firehall was in Boring, about 3 miles away, with the closest pond being 1-7/8 miles away, and his well had a 50-gallon per minute recovery. He also works out of his house in his regular engineering duties.

On re-direct testimony, the Appellant restated: (1) that he does not sell out of catalogues, advertise or have any external signs on his property; (2) has a limited and select customer base; and (3) maintains no inventory except for his personal use.

On redirect cross-examination, Mr. Kravitz testified that (1) only a finished specialized cartridge leaves his premises, having come in by the pound; (2) he produces about 10,000 cartridges, again for only 15 to 20 clients, with the average customer taking 1,000 rounds; (3) his customers supply him with the casings; (4) 85 percent supplied him with the rest of the components; (5) UPS delivered the limited number of guns he sells; and (6) he is not allowed to have more than 5 lbs. of propellant on the premises.

Captain William Kalista, with the Baltimore County Police Department, testified on behalf of Baltimore County. He stated that he has been a member of the Police Department for 25-1/2 years, and had graduated from Towson State University in 1971, and holds a Masters Degree from the University of Baltimore in legal and ethical studies. He had served in various precincts, and was currently assigned in the Property Crimes Division, Investigative Unit dealing with auto theft, arson, bombs, firearms, and fugitive extradition. He stated that a Firearms Unit was established due to enactment of the Federal Crime Control Act of 1994 (County Exhibit 1). That legislation placed a responsibility on State and local authorities to enforce local laws and fire ordinances relative to

the licensing of firearms (reference County Exhibit 1 - subsection C, "Licensure"). To that end, a list of 440 present licensees having a firearms license was received by his department, 135 of which lived in residential areas. Captain Kalista stated that a letter had been sent to the 135 licensees residing in residential areas (Appellant's Exhibit 7). The letter repeated the Federal requirements and related that "if you expect to continue to operate as a licensee, please take the appropriate steps to comply with Baltimore County zoning laws and regulations within the next 60 days. Please forward any requests for a zoning exception or variance to the below address. Failure to comply with Baltimore County zoning law will result in the Bureau of Alcohol, Tobacco and Firearms denying you your Federal Firearms License."

Captain Kalista stated that the Zoning Office gave his department that interpretation and they believed anyone operating out of a residence would need appropriate zoning. He further stated that it was important for police authorities to be aware of firearm locations so that they could promptly respond to break-ins, thefts, etc. Home activities are more difficult since they do not usually have adequate security measures, such as alarm systems and safes, and special emphasis is placed by his department in regularly patrolling commercial stores selling firearms. There were also safety concerns as to children in private homes where guns or ammunition were being stored.

On cross-examination, Captain Kalista stated that he had not visited the subject property, and that he had composed the letter of May 16th, that the intent was for the letter to serve as a notice of a need to be in compliance with local laws.

This case was heard in a single day of open hearing. There were no other protestants present. Public deliberation took place on Wednesday, June 19, 1996, at 10:00 a.m. prior to which the individual Board members had the opportunity to review their notes relative to the testimony and evidence produced at the hearing, and the applicable statutory and case law, in addition to the briefs submitted by opposing counsel.

This case essentially involves the definition of a "home occupation" which is referenced in the General Provisions of the Baltimore County Zoning Regulations (BCZR), Section 101, which states as follows:

Home Occupation: Any use conducted entirely within a dwelling which is incidental to the main use of the building for dwelling purposes and does not have any exterior evidence, other than a permitted sign, to indicate that the building is being utilized for any purpose other than that of a dwelling; and in connection with which no commodity is kept for sale on the premises, not more than one person is employed on the premises other than domestic servants or members of the immediate family, and no mechanical equipment is used except such as may be used for domestic purposes. A "Home Occupation" does not include fortune-telling.

A home occupation is a permitted accessory use in a R.C. 2 zone provided it complies with the requirements of BCZR Section 101. The function of this Board is to determine from the testimony offered at the hearing and the evidence presented that the Appellant's use is one which falls within the parameters of the law. There is no factual dispute concerning the subject property's being in an area zoned R.C. 2. However, does it meet the criteria required by the BCZR?

- (1) Is the use conducted entirely within a dwelling which is incidental to the main use of the building for dwelling purposes?

Based on the Appellant's testimony and Appellant's Exhibits 2 and 3, there are two separate and distinguishable buildings which lead to the backyard and patio. It does not appear to meet the spirit and intent of the BCZR, Section 400, as to accessory structures and covered passageways. We agree with the comments outlined in the Brief submitted by the Office of People's Counsel that the spirit of the law infers "an enclosed passageway" rather than a "covered" walkway. The implication is that travel between the interior of the buildings is by way of the passageway. Additionally, the Appellant, in his testimony, readily admitted that he actually resided in the two-story dwelling, with the ammunition reloading and firearms taking place in the smaller one-story building. The word "incidental" as defined by Black's Law Dictionary states as a meaning:

Depending upon or appertaining to something else as primary; something necessary, appertaining to, or depending upon another which is termed the principal; something incidental to the main purpose.

And while this causes some concern to the Board, the facts of the case did dictate that the Appellant's activities are not conducted entirely within the building used for dwelling purposes.

(2) Is any mechanical equipment used except such as may be used for domestic purposes?

The Appellant has argued that ammunition reloading is a domestic usage that can be traced back to the days of the founding of the republic and that is most assuredly true. However, as times have changed, so also have domestic practices that once were considered as standard functions in every household. Few, if any, modern households manufacture candles to light their houses and manufacture their own soap, or make each and every piece of

clothing for individual needs. It is far easier and more practical to purchase such items rather than to manufacture them. So also is it far easier to purchase ammunition than it is to manufacture same. So, therefore, is the mechanical equipment used (the Dillon's RL 1050) one that is used except for domestic purposes? There is no doubt from the Appellant's testimony that the function of the equipment is solely the manufacture of ammunition, that it could not be functional or used for any other domestic purpose.

We concur with People's Counsel's argument that the machinery used by the Appellant does not fall within the scope of "domestic purposes" since its use is limited exclusively to the manufacturing of reloading ammunition. To be considered as used for domestic purposes implies that the equipment may or can be associated in some manner either directly or indirectly in the normal and usual domestic functions of the main dwelling. While the Appellant's activity is one that is proportionately small and limited in scope, the process as was described is clearly proportionately one of manufacturing; that is, the assembling of several components into a single product (ammunition), and, as such, does not fall within the definition of a home occupation as defined by the BCZR.

Furthermore, the activity in which the Petitioner /Appellant is engaged is not one that is customarily considered by the general public, as one whereby the equipment utilized can be categorized, as used "for domestic purposes." It is highly specialized and functional for one purpose, that is, for ammunition reloading purposes. Mr. Kravitz testified that the machine could not be used for any other purpose; and, as such, it is not "incidental to the main use of the building for dwelling purposes."

In deciding the case, the Board has given careful consideration to what it considers to be the intent of the County Council in formulating the definition of a "home occupation." The residents of the County must be reasonably assured that the proper function of zoning is to guarantee the general health, safety and welfare of the community in which they reside. Therefore, the definition of a "home occupation" must be narrowly construed to insure that such activity is in conformity with the expectations of the neighborhood. Caution must be exercised to strictly interpret the BCZR to protect the integrity of zoning restrictions as regulated by the County Council. The nature of the finished product and inherent danger associated with the entire ammunition reloading activities cause concern to the Board if classified as a "home occupation."

However, it would be remiss on the part of the Board not to express some concern over the content of the letter addressed to the Appellant and to the other 135 individuals who hold weapons sales licenses and are operating out of their residences. There are several errors relative to these licenses and the requirements that they be located in a commercially-zoned area. Additionally, the letter states that any request for a zoning exception or variance is to be made to the policing authority. These statements are contrary to existing law, and represent a broad overreach of the police power and authority. Such letters should be appropriately researched and approved by the Office of the County Attorney before dissemination to the public in general.

O R D E R

IT IS THEREFORE this 16th day of August, 1996 by the

County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing filed in Case No. 96-~~112~~<sup>89</sup>SPH to approve a firearms license in a residential zone as a home occupation be and is hereby DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

  
\_\_\_\_\_  
Kristine K. Howanski, Chairman

  
\_\_\_\_\_  
Charles L. Marks



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

August 16, 1996

Jay Fred Cohen, Esquire  
100 Church Lane  
Pikesville, MD 21208

RE: Case No. 96-89-SPH  
Neil S. Kravitz -Petitioner

Dear Mr. Cohen:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter. Also enclosed is a copy of Ms. Levero's Concurring /Dissenting Opinion.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

*Charlotte E. Redcliffe*  
Kathleen C. Bianco  
Legal Administrator

encl.

cc: Neil S. Kravitz  
Captain William Kalista  
Baltimore County Police Department  
People's Counsel for Baltimore County  
Pat Keller, Director /Planning  
Lawrence E. Schmidt /Zoning Commissioner  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney



IN THE MATTER OF THE  
THE APPLICATION OF  
NEIL S. KRAVITZ  
FOR A SPECIAL HEARING ON  
PROPERTY LOCATED ON THE EAST  
SIDE LONGNECKER ROAD, 400' N  
OF THE C/L OF PINEY GROVE RD  
(14207 LONGNECKER ROAD)  
4TH ELECTION DISTRICT  
3RD COUNCILMANIC DISTRICT

\* \* \* \*

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO. 96-89-SPH

\* \* \* \*

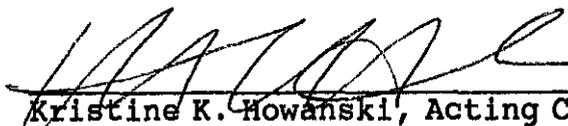
AMENDED OPINION AND ORDER

On August 16, 1996, this Board issued an Opinion and Order and a Concurring /Dissenting Opinion in the above-captioned matter. The Board, on its own initiative, pursuant to Rule 10, has reviewed the Opinions and Order issued in the proceedings and finds that a clerical error exists on page 1 in the heading of the Opinions and within the Order as to the case number. Specifically, in the heading of the Opinions, page 1, the case number shall be corrected to read "CASE NO. 96-89-SPH" (underscore indicates correction).

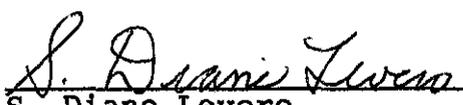
Additionally, this same correction shall be made within the Board's Order, page 10 of the Majority Opinion and Order.

No other changes having been made, any Petition for Judicial Review shall be filed from the original date of the Board's Order issued on August 16, 1996.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

  
\_\_\_\_\_  
Kristine K. Howanski, Acting Chairman

  
\_\_\_\_\_  
Charles L. Marks

  
\_\_\_\_\_  
S. Diane Levero

DATE: September 4, 1996



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

September 4, 1996

Jay Fred Cohen, Esquire  
100 Church Lane  
Pikesville, MD 21208

RE: Case No. 96-89-SPH /Neil S. Kravitz  
Clerical Amendment /8/16/96 Opinions and Order

Dear Mr. Cohen:

Enclosed please find a copy of the Amended Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter. Please note that any Petition for Judicial Review shall be filed from the original date of the Board's Order issued on August 16, 1996.

Very truly yours,

*Charlotte E. Redcliffe for*

Kathleen C. Bianco  
Legal Administrator

cc: Neil S. Kravitz  
Captain William Kalista  
Baltimore County Police Department  
People's Counsel for Baltimore County  
Pat Keller, Director /Planning  
Lawrence E. Schmidt /Zoning Commissioner  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney



IN THE MATTER OF  
THE APPLICATION OF  
NEIL S. KRAVITZ  
FOR A SPECIAL HEARING ON  
PROPERTY LOCATED ON THE EAST  
SIDE LONGNECKER ROAD, 400' N  
OF THE C/L OF PINEY GROVE RD  
(14207 LONGNECKER ROAD)  
4TH ELECTION DISTRICT  
3RD COUNCILMANIC DISTRICT

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO. 96-112-SPH  
\* \* \* \* \*  
\* \* \* \* \*  
\* \* \* \* \*

CONCURRING /DISSENTING OPINION

I concur with my fellow Board members in denying the Appellant's Petition for Special Hearing to approve a firearms license in a residential zone as a home occupation. However, I cannot concur with them on all of their reasons for denying the Petition.

I would deny the Petitioner's appeal on the basis of one factor only: the fact that he conducts his gun-related activities in an auxiliary building which is not the main dwelling and is not attached to the main dwelling.

In all other aspects, I find that he complies with the requirements for a home occupation:

He has no signs on his property indicating any business.

He keeps no commodity for sale on the premises.

He has no employees on the premises.

And finally, in my opinion, he uses no mechanical equipment except such as may be used for domestic purposes. It is regarding this matter of mechanical equipment that I differ from my fellow Board members.

They state that "To be considered as used for domestic purposes implies that the equipment may or can be associated in some manner either directly or indirectly in the normal and usual domestic functions of the main dwelling." They concur with People's Counsel's argument that the reloading equipment the Appellant uses does not fall within the scope of "domestic purposes" because its use is limited exclusively to the manufacturing of reloading ammunition.

I strongly disagree. Mr. Kravitz, an active member of four or five gun clubs, testified that almost all of the 250 members of the William Penn Pistol League reload their own ammunition, and that 99 percent of the members of the Baltimore County Associated Gun Clubs reload their own ammunition.

Thus, while reloading one's own ammunition may be an unfamiliar operation to non-gun owners, it is, according to the Appellant's uncontroverted testimony, considered by gun owners to be an ordinary auxiliary activity to individual gun ownership.

I would point out that a citizen has the right, protected under the Second Amendment to the Constitution, to keep arms in his home to defend his home, and that millions of citizens lawfully exercise this right. While I agree with my fellow Board members that many domestic activities once performed in homes, such as candlemaking and clothes making, have become uncommon and even obsolete, the defense of one's home and family has not. Would anyone seriously attempt to assert that residential break-ins, involving theft, assault and even murder, no longer occur in today's society? A citizen not only has a right to defend one's home and family against such intrusions; he arguably has a moral duty to do so in whatever lawful way he sees fit.

The reloading of cartridges for firearms would, in my opinion, be incidental to this very worthy and basic domestic function -- that is, the defense of one's home against criminal intrusion. The use of a simple, hand-operated piece of equipment for this purpose is as valid a domestic use as the use of a sewing machine or a personal computer in a home.

In this context, I might mention that magazines aimed at individual gun owners carry advertisements for this type of equipment. The ads urge gun owners, rather than buy manufactured cartridges, to use this equipment to reload their own cartridges and thereby save money.

I cannot conclude this dissent without comment on the broader argument of Deputy People's Counsel that the Appellant's petition should be denied because gun dealerships in themselves and of their very nature cannot be permitted as a home occupation. In furtherance of this argument she cited case law showing that a barbershop is not a home occupation, nor is a dance studio or a funeral home.

However, she cited no case law showing that gun dealerships are not permitted home occupations. In addition, I found no convincing evidence in People's Counsel's Memorandum as to why gun dealerships should be singled out and targeted as a prohibited home occupation.

Police Captain Kalista testified that the police would have safety and law enforcement

concerns regarding gun dealerships in residential zones. Yet there was no testimony by him regarding specific problems with the Appellant's operations. Nor, for that matter, did he testify as to any past or present problems with the 135 owners of Federal firearms licenses in Baltimore County who operate from residential zones.

It is noteworthy that no neighbor appeared at this hearing as a Protestant. This case came before the Zoning Commissioner and then before the Board as a result, not of any complaints by neighbors annoyed by some aspect of the Appellant's activities, but through the Appellant's response to a letter from the County Police Department telling him that he needed "a waiver or exception" to continue operating as a Federal Firearms licensee.

I think this is a gross misstatement of the regulations concerning home occupations and a disservice to the 135 residential owners of Federal firearms licenses who were sent this letter.

In conclusion, I agree with my fellow Board members that the Appellant's Petition must be denied. But in my opinion, if the Petitioner were to move his gun-related activities into his main dwelling, he would be in compliance with the zoning law regarding home occupations.

  
\_\_\_\_\_  
S. Diane Levero

DATE: August 16, 1996

5/30/96

|                                  |       |                         |
|----------------------------------|-------|-------------------------|
| RE: PETITION FOR SPECIAL HEARING | *     | BEFORE THE              |
| 14207 Longnecker Road, E/S Long- | *     | COUNTY BOARD OF APPEALS |
| necker Road, 400' N of c/l Piney | *     | FOR BALTIMORE COUNTY    |
| Grove Road, 4th Election Dist.,  | *     |                         |
| 3rd Councilmanic                 | *     |                         |
| NEIL STEVEN KRAVITZ              | *     | CASE NUMBER: 96-89-SPH  |
| Petitioner                       | *     |                         |
| * * *                            | * * * | * * *                   |

PEOPLE'S COUNSEL'S MEMORANDUM

STATEMENT OF THE CASE

This case comes before the Board as a Petition for Special Hearing to determine whether the sale of firearms and the manufacture of ammunition on residentially zoned property is a home occupation.

The Petitioner was notified by the Baltimore County Police Department that provisions of the federal Violent Crime Control and Law Enforcement Act of 1994 required applicants for a federal firearms license to comply with all local laws, such as fire and zoning regulations. (18 USCS § 923 Licensing (d)(1)(F)(i) - Exhibit A). Desirous of renewing his firearms license, the Petitioner requested zoning relief.

The matter was scheduled for hearing before the Zoning Commissioner for Baltimore County. As is its practice, the Office of People's Counsel entered its appearance. (Exhibit B). In addition, People's Counsel sent a letter to the Zoning Commissioner and attorney for Petitioner setting forth its position (Exhibit C). People's Counsel did not attend the hearing.

LEAH M. O'CONNOR

5/30/96

The Zoning Commissioner denied the Petition in an Opinion and Order dated October 17, 1995. The Petitioner appealed the decision to the Board, which heard the matter on May 2, 1996. People's Counsel participated in the hearing in opposition to the relief requested.

At the conclusion of the hearing, the Board Chair requested written Memoranda of Counsel in lieu of oral closing argument.

#### STATEMENT OF FACTS

The Petitioner resides on .5 acres of R.C.2 zoned property known as 14207 Longnecker Road near Glyndon in northern Baltimore County. The lot itself is undersized - a one acre minimum is required in an R.C.2 zone. (BCZR 1A01.3B.2). The house is improved with two buildings, one of which contains an office of the Petitioner, kitchen and bathroom. The second building consists of three bedrooms, bathroom, living room, kitchen, sunporch, and basement with a wine cellar. Petitioner's Exhibits 2 to 6 reveal a walkway with an overhang from the smaller building to the rear uncovered back patio of the larger building. There is no indoor access between the buildings, nor does this walkway lead into the second larger dwelling.

The area is clearly rural and residential. The Petitioner's surveyor, Mr. Herbert Malmud, testified that the buildings on the farm located behind the Petitioner's property are approximately 250 feet from Petitioner's house. Another farm and residence is visible from the aerial photographs, but the surveyor could not estimate the distance.

Mr. Kravitz obtains the brass casings from mail order catalogs or from his customers. He indicated he would like to make the casings, but the cost of brass is prohibitive. He has made many different caliber cartridges. The components for the casings, or shells, are gunpowder, propellant, and the actual bullet head. The machine injects the powders in the casing ("crimp it") and affixes the bullet head. The process takes approximately one minute per cartridge. The value is in the finished product.

The Petitioner obtains the powders and bullet heads from various suppliers. The deliveries are made to his home via express mail.

The Petitioner's customers must leave their guns at his home until the cartridges are made. The customers pick up the finished cartridges at Mr. Kravitz's home. He has made as many as 2,500 cartridges at the site for a single customer, and as many as 10,000 over the last year.

Mr. Kravitz acknowledged the explosive nature of the gunpowders utilized by him. He indicated he does not exceed the legal quantity permitted to be maintained on the premises.

Mr. Kravitz testified that he benefits from an excellent reputation for this work. He believes customers will come from throughout the country as well as Maryland. He stated he does not advertise, but his reputation is known by word of mouth and from contacts at gun shows and exhibitions.

Captain William Kalista of the Baltimore County Police Department testified as to the role of the police department in

this matter. He described the relationship of law enforcement to Mr. Kravitz's activity in selling firearms and manufacturing cartridges at his home. The witness has 20 years experience with the Baltimore County Police Department, including experience as a policeman throughout Baltimore County.

The Captain explained that the federal Violent Crime Prevention Act of 1994, inter alia, details the provisions for obtaining a federal firearms license. There is no dispute that Mr. Kravitz requires a federal license for the activity he conducts in his home. The 1994 law now requires that local police, in addition to the State Police, shall have a role in the license application process. (See highlighted sections of attached Statute).

The Act specifically requires:

"(F) The applicant certifies that the business to be conducted under the license is not prohibited by State or local law in the place where the licensed premises is located;"

(See 18 USCS Section 923 (d)(1)(F)(i), attached). Captain Kalista testified that compliance with "local laws" would include zoning and fire regulations.

The witness heads the Police division responsible for firearms and ammunition sales licenses for Baltimore County. His department identified 440 licenses in Baltimore County. The addresses of the licensees were identified on the zoning maps. It was determined that 135 addresses, including Mr. Kravitz's, were located in residential zones. The witness was advised by the zoning office that the sale of firearms or manufacturing of ammunition was not listed in the regulations as a permitted use

in any residential zone. Thereupon, a letter was sent to each of the 135 licensees advising them that they must comply with Baltimore County Zoning Regulations. (Apparently when Mr. Kravitz sought approval from Zoning Administration and Development Management (now called Permits and Development Management), he was advised to file a Petition for Special Hearing for a home occupation.)

Captain Kalista testified that prior to enactment of the federal law, Baltimore County police were not in the loop regarding license applications for firearms sales for Baltimore County citizens. The police are aware that firearms are generally sold in retail stores such as sporting goods or department stores in commercial areas. However, the police had no way of knowing if the sale of firearms and ammunition was conducted from a home. For obvious safety reasons, the witness testified this information can be important to the police department.

The witness expressed concern that residents who sell firearms and ammunition from their homes would not maintain the standard precautions common in retail stores, such as alarm systems and safes. Moreover, the witness testified that, based on his experience as a patrolman, commercial areas are policed more frequently and routinely than residential areas, and particularly rural areas.

Captain Kalista expressed concern that Mr. Kravitz did not testify that he maintained safeguards such as an alarm system

or a locked safe for the firearms and ammunition and the components he stores in his home.

THE PETITIONER'S ACTIVITIES CONTRADICT THE  
DEFINITION OF A HOME OCCUPATION IN BCZR SECTION 101

A "home occupation" is a permitted accessory use in an R.C.2 zone provided it complied with the definitions in BCZR § 101. It is defined as follows:

"Any use conducted entirely within a dwelling which is incidental to the main use of the building for dwelling purposes and does not have any exterior evidence, other than a permitted sign, to indicate that the building is being utilized for any purpose other than that of a dwelling; and in connection with which no commodity is kept for sale on the premises, not more than one person is employed on the premises other than domestic servants or members of the immediate family, and no mechanical equipment is used except such as may be used for domestic purposes. A 'Home Occupation' does not include fortune-telling. [B.C.Z.R., 1955, Bills No. 124, 1978; No. 27, 1981.]"  
(Emphasis added.)

Mr. Kravitz's activity does not comply with these requirements. A comparison of the facts of the case to the terms in the definition requires denial of the Petition:

1. "ANY USE CONDUCTED ENTIRELY WITHIN A DWELLING WHICH IS INCIDENTAL TO THE MAIN USE OF THE BUILDING FOR DWELLING PURPOSES"

Petitioner's Exhibits 2 to 4 reveal two separate buildings on the premises. Mr. Kravitz readily admitted that he resides in one building and conducts his business in the other, which contains an office. The covered walkway from the office does not connect to the interior of the dwelling, but leads to the back yard and patio. At best, it is a covered sidewalk. It does not meet the spirit and intent of BCZR Section 400 regarding accessory structures and covered passageways. The

spirit of the law and the language suggest an "enclosed" passageway, rather than merely a "covered" walkway. The implication is that travel between the interior of the buildings is via the passageway. To construe otherwise is to consider an awning from one building leading to the second a "covered passageway". An accessory structure would not be a part of the dwelling, and thus subject to its own height and area requirements. A connected structure would follow the setbacks of the dwelling.

The Zoning Commissioner expressed this concern in his Opinion and Order and determined that Mr. Kravitz's activity was not conducted in the dwelling.

2. "NO MECHANICAL EQUIPMENT IS USED EXCEPT SUCH AS MAY BE USED FOR DOMESTIC PURPOSES."

The Petitioner was clear in his characterization of the press used to manufacture ammunition. He admitted on cross-examination that this machine could not be used for any domestic purpose and would not be found in a home otherwise. It is submitted that this restriction in the definition serves as a limitation on the character of the use, regardless of how inoffensive or minimal. If the machine is not used for domestic purposes, the activity is disqualified as a home occupation. The size of the machine is inconsequential. If the machine is used for the requested activity only, it is not "incidental" to a domestic use.

This language in the definition is plain and simple. Applied to the testimony of the Petitioner, it unquestionably disqualifies the request. Moreover, Petitioner's use of

mechanical equipment differentiates the instant case from the Whitt case recently decided by the Board.

3. "ANY USE... WHICH IS INCIDENTAL TO THE MAIN USE OF THE BUILDING FOR DWELLING"

The characterization of a use as a home occupation in an historic concept will be discussed hereafter in this Memorandum. The interpretation of this phrase is discussed in the Zoning Commissioner's Policy Manual (see attached). It comports with the traditional interpretation and application of a home occupation.

Regarding the above phrase, the Manual states:

"ANY USE CONDUCTED ENTIRELY WITHIN A DWELLING..."

(1) This statement is interpreted to mean that the use must be within the dwelling and cannot be within a detached garage or elsewhere in the yard area of the property in question.

'WHICH IS INCIDENTAL TO THE MAIN USE OF A BUILDING FOR DWELLING PURPOSES...'

(2) This statement is interpreted based upon the common definition of the word 'incidental'; i.e., that a 'home occupation' is a use that happens as a result of and in connection with the principal use as a dwelling. The use must therefore be of a domestic nature.

Uses that easily fall within this definition would be a person who takes in ironing or washing of clothes, sewing or dressmaking, and/or cooking. Other more modern day uses such as computers used to keep track of home finances and related matters can be considered as domestic equipment. As a home occupation use, a computer must be used in a manner that is secondary or minor and can be associated in some way with the normal domestic functions of the dwelling."

Also, the word "incidental" was discussed by the Court of Appeals in Dampman v. City of Baltimore, 231 Md. 280 (1963). The Court defined an incidental use as "one appertaining,

subordinate or casual thereto." A home occupation cannot be approved merely because it originated as a hobby. At that point, it is no longer incidental to the residential use.

REQUIREMENT OF ZONING COMPLIANCE  
FOR OTHER LICENSES AND PERMITS

It is not unusual that zoning compliance is a prerequisite in non-zoning matters. Three (3) Maryland cases have illustrated this requirement. In Board of Child Care v. Harker, 316 Md. 683 (1989), the Court of Appeals would not exempt a state licensed child care center from local zoning regulations. The state regulation contained language requiring zoning compliance.

In Md. Aviation v. Newsome, 337 Md. 163 (1995), a construction permit within the BWI airport noise zone may not be granted if the proposal would "violate local land use and zoning laws."

In AD + Soil, Inc. v. County Comm'rs of Queen Anne's County, 307 Md. 307 (1986), zoning authority to operate a sludge facility was required even though the Petitioner had obtained the necessary state permit for the facility.

ZONING HISTORY OF HOME OCCUPATIONS

At the time comprehensive zoning was introduced, people often worked in their residences. When jurisdictions sanctioned separate zones for residential and business uses, they attempted to accommodate, rather than terminate, home occupations. Restrictions were enacted to allow for customary practices which did not detract from residential neighborhoods.

In a significant early zoning case, Euclid v. Ambler Realty Co., 272 U.S. 365 (1926), the Supreme Court recognized

that the current economic and social changes required a change in land use patterns and a review of the balance between public welfare and the interests of property owners. Justice Sutherland stated,

"Until recent years, urban life was comparatively simple; but with the great increase and concentration of population, problems have developed, and constantly are developing, which require, and will continue to require, additional restrictions in respect to the use and occupation of private lands in urban communities."

Thus, the Court sanctioned comprehensive zoning as a valid police power asserted for the public welfare. In agreeing with the need to separate uses, the Court noted, "A nuisance may be merely a right thing in the wrong place, like a pig in the parlor instead of the barnyard." With that philosophy, the Court held valid a comprehensive zoning plan which divided the area in Euclid, Ohio into six classes of use districts, separating business and residential uses.

Henceforth, comprehensive zoning accommodated home occupations, but restrictions were implemented to make them less obtrusive. The concept of a home occupation was viewed narrowly. Generally speaking, under the new definitions of a home occupation, fewer uses were permitted as home occupations than before. The specific examples reflect this trend.

Professional uses such as dentists, doctors, and lawyers, as well as music and artist studios, and dressmakers are usually permitted. Engineers and architects are sometimes permitted. Accountants are occasionally permitted. Business and commercial offices and shops, beauty parlors, and funeral homes are not

considered home occupations in most jurisdictions. (See generally, Anderson, American Law of Zoning, 3rd, Section 1302, et seq.).

A home occupation is permitted in many jurisdictions, including Baltimore County, as an accessory use to a residence. (The zone in the instant case, R.C.2, is included in the definition of a residential zone in BCZR Section 101.) Yet courts have also limited the scope of accessory uses. For example, not all hobbies are permitted as accessory uses to a residence. Removal of parts from cars and assembling of racing cars for amateur use was not permitted as an accessory use in a residential zone in a Tennessee case (Knoxville v. Brown, 260 SW.2d 264 (1953)).

There are numerous zoning regulations in Baltimore County which intend to protect the residential character of a neighborhood. Commercial vehicles less than 10,000 pounds must be parked in a garage, and vehicles over 10,000 pounds, even if owned by the resident, are prohibited. (BCZR Section 431).

Many manufacturing or commercial uses are prohibited in the zone unless distance requirements from residences are met (Umerley v. People's Counsel, 108 Md.App. 497 (1996); BCZR Sections 410, 253.4, 255.2, 258.2).

Only one recreational vehicle or boat may be maintained at a residence (BCZR Section 415A).

Outside storage of certain motor vehicles on residential property is prohibited (BCZR Section 428).

Specific regulations restrict the size and location of satellite receiving dishes on residential sites (BCZR Section 429).

Professional offices require special exception review in the D.R. zones (BCZR 1B01.1C9b)

Maryland case law has narrowly construed the interpretation of home occupations and permitted uses at a site.

In Maurer v. Snyder, 199 Md. 551, 87 A.2d 612 (1952), the Court of Appeals reviewed activity conducted from a waterfront residence claimed to be a home occupation. The Petitioner resided on 1/2 acre on the Magothy River, zoned "cottage residential". The Petitioner fished for sport but also occasionally took out fishing parties of friends and acquaintances (25 times in prior year and 12 in current year). He did not advertise, did not charge a set fee, but was paid for expenses. He also sold small catches of fish on weekends to locals (50 dozen per week at .75 per dozen during the season). He took larger catches to market for sale. The Court disregarded monetary gain as a measure of a home occupation:

"Assuming that in zoning, as in other fields of law, the principle de minimis has a place, we find no place for it in the instant case. During the crabbing and fishing seasons defendants were engaged in commercial business to a substantial extent. What the net proceeds were, whether or not they considered the business a success, is not shown and is not material." ...

... "Furthermore, in suggesting that the scope of 'residence purposes only' may be a matter of degree, we were referring not to the monetary volume of a business done but to the degree of changes in the structure or use of the building." 87 A.2d, at 617.

In addition, the Court did not require a specific prohibition of a use in order to deny a use as a home occupation:

"In construing 'home occupation' we see no difference, in principle, between a general prohibition of commercial uses and a specific prohibition of a beauty parlor, a funeral parlor, or a 'public garage'.

The proviso in the regulation relating to 'home occupation' does not broaden but narrows the definition of 'home occupation'. It does not include as a 'home occupation' any commercial enterprise which can be conducted on a lot 565 feet deep without 'usurping' the primary use of the dwelling. If it could be so construed, the residential character of a 'cottage residence' district would have little meaning or legal protection."

Additionally, the Baltimore County Zoning Regulations are exclusionary, i.e. uses not enumerated in a specific zone are not permitted. Kowalski v. Lamar, 25 Md.App. 493 (1975), Leimbach Construction Co. v. Baltimore City, 257 Md. 635 (1970).

Such narrow construction is not intended to exacerbate the homeowner. Rather, uses are separated into zoning districts in order to better deal with attendant matters such as traffic, police and fire protection, road conditions, safety, undue concentration of population, use of utilities and public services, and the general welfare, including use and enjoyment of one's home free of noise and odors, etc. A homeowner must be assured of a reasonable expectation of the type of activity permitted in the neighborhood.

Firearms dealerships are commercial uses permitted in the B.L. zone under "sporting goods" stores or department stores. They must be located where the County Council determined the commercial activity belongs.

Moreover, the manufacturing activity which Petitioner describes is restricted to a manufacturing zone at least one hundred feet from a residential zone. (See generally BCZR Section 253.1A 45 & 54, 253.4, 256.4, 256.5.)

Finally, it should be noted that the comments of the Office of Planning and Zoning which are included in the Board file, recommend denial of the Petition for the reasons stated by People's Counsel.

Clearly, this case must turn on the nature of the use, rather than whether the proposed use can be compartmentalized into the definition of a home occupation. If it were otherwise, occupational uses would multiply in residential areas for the convenience or financial benefit of the homeowner.

THE "FORTUNE TELLING" EXCEPTION DOES NOT IMPLY THE  
LEGITIMACY OF ALL OTHER USES AS HOME OCCUPATIONS

The Board in the Whitt case (95-468-SPH) recently suggested that the BCZR Section 101 definition of exception for fortune telling implies the permissibility of gun sales and other uses as home occupations. As a result of that opinion, we researched the history of this particular issue, and attach the 1945, 1955, and 1978 enactments. This history should cause the Board to reconsider its approach.

The original 1945 BCZR included the main definition of home occupation in Section 19 of the Definitions. It is similar to the present definition, established in the 1955 Regulations.

The 1955 definition has remained essentially intact. In 1978, the County Council added the proviso that, "A home occupation does not include fortune telling." The Planning Board

Report preceding Bill 124-78 explains the background. Fortune telling had been prohibited by Section 18-10 of the County Code. When the Council repealed that provision and thus legalized fortune telling, it did not wish to imply that it might occur by right in residential areas. At the same time, the Council added fortune telling as a permitted use in Elevator-Apartment, Business, and Manufacturing zones.

The main thing is that the language of Bill 124-78 and its history negate the idea that the Council intended any general change to the concept of home occupation or the kinds of uses contemplated.

There is, therefore, no substantive change from the intent of the 1945 and 1955 regulations, and the Maryland cases interpreting the meaning of home occupation.

It is sometimes argued that the express mention of one item implies the omission of others. In Latin, this is known as "Expressio unius est exclusio alterius." But, the Court of Appeals has emphasized that this is "not a rule of law but merely an auxiliary rule of statutory construction." This "maxim should not be applied to override the manifest intention of the Legislature..." Beshore v. Town of Bel Air, 237 Md. 398 (1965).

BALTIMORE COUNTY POLICE ARE AUTHORIZED TO PARTICIPATE  
IN FIREARMS LICENSE APPLICATION PROCESS

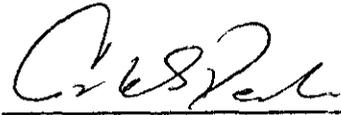
The provision of the Violent Crime Control and Law Enforcement Act of 1994 bringing the local police force into the loop of firearms license applications is valid.

In a recent case, Department of Public Safety and Correctional Services v. Berg, \_\_\_ Md. \_\_\_ (1996), the Plaintiff challenged the state police's disapproval of his handgun application. Although the applicant would have qualified under state law for the handgun, the state police denied the application. It was denied because the applicant violated the federal law prohibiting any person convicted of crime punishable by imprisonment for a term exceeding one year to possess a handgun. The Court noted,

"Both state and federal courts take the position that it is appropriate for state and local law enforcement officials to enforce federal law." (Citations omitted.) Slip Op. at p. 10.

For the foregoing reasons, the Board should deny the Kravitz Petition for Special Hearing.

  
\_\_\_\_\_  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

  
\_\_\_\_\_  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Office of the People's Counsel  
for Baltimore County  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30<sup>th</sup> day of May, 1996, a copy of the foregoing People's Counsel's Memorandum was mailed to Jay Fred Cohen, Esquire, 100 Church Lane, Baltimore, MD 21208, attorney for Petitioner.

  
PETER MAX ZIMMERMAN

## FIREARMS

## 18 USCS § 923

be "sniper's gun" was fair comment on evidence of case. *United States v Kowalski* (1974, CA7 Ill) 502 F2d 203, cert den 420 US 979, 43 L Ed 2d 660, 95 S Ct 1407.

### 99. Verdict

Where conviction was possible on either ground that appellant falsely stated his criminal record or falsely stated his address, and appellant prevailed on the former issue, reversal is appropriate where jury returned a general verdict of guilty. *United States v Williams* (1972, CA8 Mo) 464 F2d 927, later app (CA8 Mo) 484 F2d 428.

### 100. Penalty

Only purpose in looking to state law, in prosecution for violation of 18 USCS §§ 922 and 924, is to determine maximum penalty which could have been imposed. *United States v Place* (1977, CA10 Wyo) 561 F2d 213, cert den 434 US 1000, 54 L Ed 2d 496, 98 S Ct 643.

Maximum penalty that could be imposed for violation of 18 USCS § 922(h), under circumstances of case, would be fine not to exceed \$5,000 and imprisonment for more than 2 years. *United States v Hairston* (1977, DC Ill) 437 F Supp 33.

### 101. Harmless error

Destruction by government agents of tangible evidence material to a pending criminal prosecution did not require reversal of a conviction under 18 USCS § 922 where there was no hint of bad faith or deliberate suppression of evidence which might reasonably have exculpatory value to defendant, the evidence was photographed prior to destruction, the residue of detonated hand grenade fuses and samples from containers of gunpowder and the photographs were all made available to defense counsel, and defendant has pointed to no concrete area of prejudice due to the disposition of these articles; delivery of a pistol and its container to the jury for use in its deliberations was harmless error, even though government inadvertently failed to make a formal introduction of the exhibit and the record is

confused as to whether the judge and counsel in fact understood the pistol as having been offered and received into evidence, where a proper foundation for admission of the gun into evidence was laid and the witnesses were subjected to cross-examination concerning its purchase. *United States v Shafer* (1971, CA7 Ill) 445 F2d 579, cert den 404 US 986, 30 L Ed 2d 370, 92 S Ct 448.

### 102. Revocation of license

Evidence showing that plaintiff was aware of state law requiring firearm delivery to be withheld for at least 72 hours after application for its purchase by having been previously advised on requirements supported Secretary of Treasury's decision to revoke license based on willfulness of plaintiff's actions. *Mayesh v Schultz* (1973, DC Ill) 58 FRD 537.

### 103. Forfeiture of firearm

Appellant's acquittal on criminal charges under 18 USCS § 922(a) does not entitle him to return of firearms that were subject of forfeiture proceeding, even if such firearms formed basis of criminal prosecution. *Glup v United States* (1975, CA8 Neb) 523 F2d 557.

Acquittal on charge of having violated 18 USCS § 922(a)(1) which makes it unlawful for any person except licensed dealer to engage in business of dealing in firearms or ammunition, is not a bar to civil administrative action by government for forfeiture of such weapons and ammunition arising out of same facts on which criminal proceeding was based. *Epps v Bureau of Alcohol, Tobacco & Firearms* (1973, DC Tenn) 375 F Supp 345, affd without op (CA6 Tenn) 495 F2d 1373.

### 104. Attorney disciplinary proceedings

Conviction of attorney for aiding and abetting receipt of ammunition by convicted felon in violation of 18 USCS §§ 922(h) and 2, which constitutes "serious crime," and felony under federal law, warranted suspension from practice of law for 12 months. *Re Robson* (1978, Alaska) 575 P2d 771.

## § 923. Licensing

(a) No person shall engage in business as a firearms or ammunition importer, manufacturer, or dealer until he has filed an application with, and received a license to do so from, the Secretary. The application shall be in such form and contain such information as the Secretary shall by regulation prescribe. Each applicant shall pay a fee for obtaining such a license, a separate fee being required for each place in which the applicant is to do business, as follows:

18 USCS § 923

CRIMES

- (1) If the applicant is a manufacturer—
    - (A) of destructive devices or ammunition for destructive devices, a fee of \$1,000 per year;
    - (B) of firearms other than destructive devices, a fee of \$50 per year; or
    - (C) of ammunition for firearms other than destructive devices, a fee of \$10 per year.
  - (2) If the applicant is an importer—
    - (A) of destructive devices or ammunition for destructive devices, a fee of \$1,000 per year; or
    - (B) of firearms other than destructive devices or ammunition for firearms other than destructive devices, a fee of \$50 per year.
  - (3) If the applicant is a dealer—
    - (A) in destructive devices or ammunition for destructive devices, a fee of \$1,000 per year;
    - (B) who is a pawnbroker dealing in firearms other than destructive devices or ammunition for firearms other than destructive devices, a fee of \$25 per year; or
    - (C) who is not a dealer in destructive devices or a pawnbroker, a fee of \$10 per year.
- (b) Any person desiring to be licensed as a collector shall file an application for such license with the Secretary. The application shall be in such form and contain such information as the Secretary shall by regulation prescribe. The fee for such license shall be \$10 per year. Any license granted under this subsection shall only apply to transactions in curios and relics.
- (c) Upon the filing of a proper application and payment of the prescribed fee, the Secretary shall issue to a qualified applicant the appropriate license which, subject to the provisions of this chapter [18 USCS §§ 921 et seq.] and other applicable provisions of law, shall entitle the licensee to transport, ship, and receive firearms and ammunition covered by such license in interstate or foreign commerce during the period stated in the license.
- (d)(1) Any application submitted under subsection (a) or (b) of this section shall be approved if—
  - (A) the applicant is twenty-one years of age or over;
  - (B) the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under section 922(g) and (h) of this chapter [18 USCS § 922(g) and (h)];

firearms again, since statement was true as to defendant who had never followed any procedure for reinstatement, and court's response was helpful to jury. *United States v Felici* (1995, CA8 Mo) 54 F3d 504.

### 103. Forfeiture of firearm

There is no question that government has sustained its burden of proof in forfeiture proceeding since it has established that defendant intended to

deal in firearms and it is clear that firearms would have been sold by defendant had they not been seized by government agents; in proceeding, once libelant has shown probable cause, burden of proof shifts to claimants. *United States v 26 Firearms* (1980, WD Pa) 485 F.Supp. 549, aff'd without op. Appeal of Buss' (1980, CA3 Pa) 639 F2d 771 and aff'd without op (1980, CA3 Pa) 639 F2d 777.

### § 923. Licensing

(a) No person shall engage in the business of importing, manufacturing, or dealing in firearms, or importing or manufacturing ammunition, until he has filed an application with and received a license to do so from the Secretary. The application shall be in such form and contain only that information necessary to determine eligibility for licensing as the Secretary shall by regulation prescribe and shall include a photograph and fingerprints of the applicant. Each applicant shall pay a fee for obtaining such a license, a separate fee being required for each place in which the applicant is to do business, as follows:

#### (1) If the applicant is a manufacturer—

(A) of destructive devices, ammunition for destructive devices or armor piercing ammunition, a fee of \$1,000 per year;

(B) [Unchanged]

(C) of ammunition for firearms, other than ammunition for destructive devices or armor piercing ammunition, a fee of \$10 per year.

#### (2) If the applicant is an importer—

(A) of destructive devices, ammunition for destructive devices or armor piercing ammunition, a fee of \$1,000 per year; or

(B) of firearms other than destructive devices or ammunition for firearms other than destructive devices, or ammunition other than armor piercing ammunition, a fee of \$50 per year.

#### (3) If the applicant is a dealer—

(A) in destructive devices or ammunition for destructive devices, a fee of \$1,000 per year; or

(B) who is not a dealer in destructive devices, a fee of \$200 for 3 years, except that the fee for renewal of a valid license shall be \$90 for 3 years.

(C) [Deleted]

(b) Any person desiring to be licensed as a collector shall file an application for such license with the Secretary. The application shall be in such form and contain only that information necessary to determine eligibility as the Secretary shall by regulation prescribe. The fee for such license shall be \$10 per year. Any license granted under this subsection shall only apply to transactions in curios and relics.

(c) Upon the filing of a proper application and payment of the prescribed fee, the Secretary shall issue to a qualified applicant the appropriate license which, subject to the provisions of this chapter [18 USCS §§ 921 et seq.] and other applicable provisions of law, shall entitle the licensee to transport, ship, and receive firearms and ammunition covered by such license in interstate or foreign commerce during the period stated in the license. Nothing in this chapter [18 USCS §§ 921 et seq.] shall be construed to prohibit a licensed manufacturer, importer, or dealer from maintaining and disposing of a personal collection of firearms, subject only to such restrictions as apply in this chapter [18 USCS §§ 921 et seq.] to dispositions by a person other than a licensed manufacturer, importer, or dealer. If any firearm is so disposed of by a licensee within one year after its transfer from his business inventory into such licensee's personal collection or if such disposition or any other acquisition is made for the purpose of willfully evading the restrictions placed upon licensees by this chapter [18 USCS §§ 921 et seq.], then such firearm shall be deemed part of such licensee's business inventory, except that any licensed manufacturer, importer, or dealer who has maintained a firearm as part of a personal collection for one year and who sells or otherwise disposes of such firearm shall record the description of the firearm in a bound volume, containing the name and place of residence and date of birth of the transferee if the transferee is an individual, or the identity and principal and local places of business of the transferee if the transferee is a corporation or other business entity. Provided, That no other recordkeeping shall be required.

(d)(1) Any application submitted under subsection (a) or (b) of this section shall be approved if—

(A) [Unchanged];

(B) the applicant (including, in the case of a corporation, partnership, or association, any

proceeding conducted under this subsection, the court may consider any evidence submitted by the parties to the proceeding. If the court decides that the Secretary was not authorized to deny the application or to revoke the license, the court shall order the Secretary to take such action as may be necessary to comply with the judgment of the court.

(g) Each licensed importer, licensed manufacturer, licensed dealer, and licensed collector shall maintain such records of importation, production, shipment, receipt, sale, or other disposition, of firearms and ammunition at such place, for such period, and in such form as the Secretary may by regulations prescribe. Such importers, manufacturers, dealers, and collectors shall make such records available for inspection at all reasonable times, and shall submit to the Secretary such reports and information with respect to such records and the contents thereof as he shall by regulations prescribe. The Secretary may enter during business hours the premises (including places of storage) of any firearms or ammunition importer, manufacturer, dealer, or collector for the purpose of inspecting or examining (1) any records of documents required to be kept by such importer, manufacturer, dealer, or collector under the provisions of this chapter [18 USCS §§ 921 et seq.] or regulations issued under this chapter [18 USCS §§ 921 et seq.], and (2) any firearms or ammunition kept or stored by such importer, manufacturer, dealer, or collector at such premises. Upon the request of any State or any political subdivision thereof, the Secretary may make available to such State or any political subdivision thereof, any information which he may obtain by reason of the provisions of this chapter [18 USCS §§ 921 et seq.] with respect to the identification of persons within such State or political subdivision thereof, who have purchased or received firearms or ammunition, together with a description of such firearms or ammunition.

(h) Licenses issued under the provisions of subsection (c) of this section shall be kept posted and kept available for inspection on the premises covered by the license.

(i) Licensed importers and licensed manufacturers shall identify, by means of a serial number engraved or cast on the receiver or frame of the weapon, in such manner as the Secretary shall by regulations prescribe, each firearm imported or manufactured by such importer or manufacturer.

(j) This section shall not apply to anyone who engages only in hand loading, reloading, or custom loading ammunition for his own firearm, and who does not hand load, reload, or custom load ammunition for others.

(Added June 19, 1968, P. L. 90-351, Title IV, § 902, 82 Stat. 231; Oct. 22, 1968, P. L. 90-618, Title I, § 102, 82 Stat. 1221.)

#### HISTORY; ANCILLARY LAWS AND DIRECTIVES

##### Effective date of section:

This section became effective 180 days after June 19, 1968, as provided by § 907 of Act June 19, 1968; see Effective date note under 18 USCS § 921.

individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under section 922(g) and (n) of this chapter;

(C) [Unchanged] (D) the applicant has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact, in connection with his application;

(E) the applicant has in a State (i) premises from which he conducts business subject to license under this chapter [18 USCS §§ 921, et seq.] or from which he intends to conduct such business within a reasonable period of time; or (ii) in the case of a collector, premises from which he conducts his collecting subject to license under this chapter [18 USCS §§ 921, et seq.] or from which he intends to conduct such collecting within a reasonable period of time; and

(F) the applicant certifies that—

(i) the business to be conducted under the license is not prohibited by State or local law in the place where the licensed premise is located;

(ii) (I) within 30 days after the application is approved the business will comply with the requirements of State and local law applicable to the conduct of the business; and

(II) the business will not be conducted under the license until the requirements of State and local law applicable to the business have been met; and

(iii) that the applicant has sent or delivered a form to be prescribed by the Secretary, to the chief law enforcement officer of the locality in which the premises are located, which indicates that the applicant intends to apply for a Federal firearms license.

(2) The Secretary must approve or deny an application for a license within the 60-day beginning on the date it is received. If the Secretary fails to act within such period, the applicant may file an action under section 1361, of title 28 to compel the Secretary to act. If the Secretary approves an applicant's application, such applicant shall be issued a license upon the payment of the prescribed fee.

(e) The Secretary may, after notice and opportunity for hearing, revoke any license issued under this section if the holder of such license has willfully violated any provision of this chapter [18 USCS §§ 921 et seq.] or any rule or regulation prescribed by the Secretary under this chapter [18 USCS §§ 921 et seq.]. The Secretary may, after notice and opportunity for hearing, revoke the license of a dealer who willfully transfers armor piercing ammunition. The Secretary's action under this subsection may be reviewed only as provided in subsection (f) of this section.

(f)(1) (2) [Unchanged]

(3) If after a hearing held under paragraph (2) the Secretary decides not to reverse his decision to deny an application or revoke a license, the Secretary shall give notice of his decision to the aggrieved party. The aggrieved party may at any time within sixty days after the date notice was given under this paragraph file a petition with the United States district court for the district in which he resides or has his principal place of business for a de novo judicial review of such denial or revocation. In a proceeding conducted under this subsection, the court may consider any evidence submitted by the parties to the proceeding whether or not such evidence was considered at the hearing held under paragraph (2). If the court decides that the Secretary was not authorized to deny the application or to revoke the license, the court shall order the Secretary to take such action as may be necessary to comply with the judgment of the court.

(4) If criminal proceedings are instituted against a licensee alleging any violation of this chapter [18 USCS §§ 921, et seq.] or of rules or regulations prescribed under this chapter [18 USCS §§ 921, et seq.], and the licensee is acquitted of such charges, or such proceedings are terminated, other than upon motion of the Government before trial upon such charges, the Secretary shall be absolutely barred from denying or revoking any license granted absolutely barred from denying or revoking any license granted under this chapter [18 USCS §§ 921, et seq.] where such denial or revocation is based in whole or in part on the facts which form the basis of such criminal charges. No proceedings for the revocation of a license shall be instituted by the Secretary more than one year after the filing of the indictment or information.

(g)(1)(A) Each licensed importer, licensed manufacturer, and licensed dealer shall maintain such records of importation, production, shipment, receipt, sale, or other disposition of firearms at his place of business for such period, and in such form, as the Secretary may by regulations prescribe. Such importers, manufacturers, and dealers shall not be

required to submit to the Secretary reports and information with respect to such records and the contents thereof, except as expressly required by this section. The Secretary, when he has reasonable cause to believe a violation of this chapter [18 USCS §§ 921 et seq.] has occurred and that evidence thereof may be found on such premises, may, upon demonstrating such cause before a Federal magistrate and securing from such magistrate a warrant authorizing entry, enter during business hours the premises (including places of storage) of any licensed firearms importer, licensed manufacturer, licensed dealer, licensed collector, or any licensed importer or manufacturer of ammunition, for the purpose of inspecting or examining—

(i) any records or documents required to be kept by such licensed importer, licensed manufacturer, licensed dealer, or licensed collector under this chapter [18 USCS §§ 921 et seq.] or rules or regulations under this chapter [18 USCS §§ 921 et seq.], and

(ii) any firearms or ammunition kept or stored by such licensed importer, licensed manufacturer, licensed dealer, or licensed collector, at such premises.

(B) The Secretary may inspect or examine the inventory and records of a licensed importer, licensed manufacturer, or licensed dealer without such reasonable cause or warrant—

(i) in the course of a reasonable inquiry during the course of a criminal investigation of a person or persons other than the licensee;

(ii) for ensuring compliance with the record keeping requirements of this chapter—

(I) not more than once during any 12-month period; or

(II) at any time with respect to records relating to a firearm involved in a criminal investigation that is traced to the licensee.

(iii) when such inspection or examination may be required for determining the disposition of one or more particular firearms in the course of a bona fide criminal investigation.

(C) The Secretary may inspect the inventory and records of a licensed collector without such reasonable cause or warrant—

(i) for ensuring compliance with the record keeping requirements of this chapter [18 USCS §§ 921 et seq.] not more than once during any twelve-month period; or

(ii) when such inspection or examination may be required for determining the disposition of one or more particular firearms in the course of a bona fide criminal investigation.

(D) At the election of a licensed collector, the annual inspection of records and inventory permitted under this paragraph shall be performed at the office of the Secretary, designed for such inspections which is located in closest proximity to the premises where the inventory and records of such licensed collector are maintained. The inspection and examination authorized by this paragraph shall not be construed as authorizing the Secretary to seize any records or other documents other than those records or documents constituting material evidence of a violation of law. If the Secretary seizes such records or documents, copies shall be provided the licensee within a reasonable time. The Secretary may make available to any Federal, State, or local law enforcement agency any information which he may obtain by reason of this chapter [18 USCS §§ 921 et seq.] with respect to the identification of persons prohibited from purchasing or receiving firearms or ammunition who have purchased or received firearms or ammunition, together with a description of such firearms or ammunition, and he may provide information to the extent such information may be contained in the records required to be maintained by this chapter [18 USCS §§ 921 et seq.], when so requested by any Federal, State, or local law enforcement agency.

(2) Each licensed collector shall maintain in a bound volume the nature of which the Secretary may by regulations prescribe, records of the receipt, sale, or other disposition of firearms. Such records shall include the name and address of any person to whom the collector sells or otherwise disposes of a firearm. Such collector shall not be required to submit to the Secretary reports and information with respect to such records and the contents thereof, except as expressly required by this section.

(3)(A) Each licensee shall prepare a report of multiple sales or other dispositions whenever the licensee sells or otherwise disposes of, at one time or during any five consecutive business days, two or more pistols, or revolvers, or any combination of pistols and revolvers totalling two or more, to an unlicensed person. The report shall be prepared on a form specified by the Secretary and forwarded to the office specified thereon and to the department of State police or State law enforcement agency of the State or local law enforcement agency of the local jurisdiction in which the sale or other disposition took place, not later than the close of business on the day that the multiple sale or other disposition occurs.

(B) Except in the case of forms and contents thereof regarding a purchaser who is prohibited by subsection (g) or (n) of section 922 of this title from receipt of a firearm, the department of State police or State law enforcement agency or local law enforcement agency of the local jurisdiction shall not disclose any such form or the contents thereof to any person or entity, and shall destroy each such form and any record of the contents thereof no more than 20 days from the date such form is received. No later than the date that is 6 months after the effective date of this subparagraph, and at the end of each 6-month period thereafter, the department of State police or State law enforcement agency or local law enforcement agency of the local jurisdiction shall certify to the Attorney General of the United States that no disclosure contrary to this subparagraph has been made and that all forms and any record of the contents thereof have been destroyed as provided in this subparagraph.

(4) Where a firearms or ammunition business is discontinued and succeeded by a new licensee, the records required to be kept by this chapter [18 USCS §§ 921 et seq.] shall appropriately reflect such facts and shall be delivered to the successor. Where discontinuance of the business is absolute, such records shall be delivered within thirty days after the business discontinuance to the Secretary. However, where State law or local ordinance requires the delivery of records to other responsible authority, the Secretary may arrange for the delivery of such records to such other responsible authority.

(5)(A) Each licensee shall, when required by letter issued by the Secretary, and until notified to the contrary in writing by the Secretary, submit on a form specified by the Secretary, for periods and at the times specified in such letter, all record information required to be kept by this chapter [18 USCS §§ 921 et seq.] or such lesser record information as the Secretary in such letter may specify.

(B) The Secretary may authorize such record information to be submitted in a manner other than that prescribed in subparagraph (A) of this paragraph when it is shown by a licensee that an alternate method of reporting is reasonably necessary and will not unduly hinder the effective administration of this chapter [18 USCS §§ 921 et seq.]. A licensee may use an alternate method of reporting if the licensee describes the proposed alternate method of reporting, and the need therefor in a letter application submitted to the Secretary, and the Secretary approves such alternate method of reporting.

(6) Each licensee shall report the theft or loss of a firearm from the licensee's inventory or collection, within 48 hours after the theft or loss is discovered, to the Secretary and to the appropriate local authorities.

(7) Each licensee shall respond immediately to, and in no event later than 24 hours after the receipt of, a request by the Secretary for information contained in the records required to be kept by this chapter as may be required for determining the disposition of 1 or more firearms in the course of a bona fide criminal investigation. The requested information shall be provided orally or in writing, as the Secretary may require. The Secretary shall implement a system whereby the licensee can positively identify and establish that an individual requesting information via telephone is employed by and authorized by the agency to request such information.

(h) [Unchanged] Licensed importers and licensed manufacturers shall identify, by means of a serial number engraved or cast on the receiver or frame of the weapon, in such manner as the Secretary shall by regulations prescribe, each firearm imported or manufactured by such importer or manufacturer. The serial number of any semiautomatic assault weapon manufactured after the date of the enactment of this sentence [enacted Sept. 13, 1994] shall clearly show the date on which the weapon was manufactured. A large capacity ammunition feeding device manufactured after the date of the enactment of this sentence [enacted Sept. 13, 1994] shall be identified by a serial number that clearly shows that the device was manufactured or imported after the effective date of this subsection, and such other identification as the Secretary may by regulation prescribe.

(j) A licensed importer, licensed manufacturer, or licensed dealer may, under rules or regulations prescribed by the Secretary, conduct business temporarily at a location other than the location specified on the license if such temporary location is the location for a gun show or event sponsored by any national, State, or local organization, or any affiliate of any such organization devoted to the collection, competitive use, or other sporting use of firearms in the community, and such location is in the State which is specified on the license. Records of receipt and disposition of firearms transactions conducted at such temporary location shall include the location of the sale or other disposition and shall be entered in the permanent records of the licensee and retained on the location specified on the license. Nothing in this subsection shall authorize any licensee to conduct business in or from any motorized or towed vehicle. Notwithstanding the provisions of subsection (a) of this section, a separate fee shall not be required of a licensee with respect to business conducted under this subsection. Any inspec-

tion or examination of inventory or records under this chapter [18 USCS §§ 921 et seq.] by the Secretary at such temporary location shall be limited to inventory consisting of, or records relating to, firearms held or disposed at such temporary location. Nothing in this subsection shall be construed to authorize the Secretary to inspect or examine the inventory or records of a licensed importer, licensed manufacturer, or licensed dealer at any location other than the location specified on the license. Nothing in this subsection shall be construed to diminish in any manner any right to display, sell, or otherwise dispose of firearms or ammunition, which is in effect before the date of the enactment of the Firearms Owners' Protection Act [enacted May 19, 1986].

(k) Licensed importers and licensed manufacturers shall mark all armor piercing projectiles and packages containing such projectiles for distribution in the manner prescribed by the Secretary by regulation. The Secretary shall furnish information to each dealer licensed under this chapter defining which projectiles are considered armor piercing ammunition as defined in section 921(a)(17)(B).

(l) The Secretary of the Treasury shall notify the chief law enforcement officer in the appropriate State and local jurisdictions of the names and addresses of all persons in the State to whom a firearms license is issued.

(As amended Dec. 21, 1982, P. L. 97-377, Title I, § 165(b), 96 Stat. 1923; May 19, 1986, P. L. 99-308, § 103, 100 Stat. 453; July 8, 1986, P. L. 99-360, § 1(c), 100 Stat. 766; Aug. 28, 1986, P. L. 99-408, §§ 3-7, 100 Stat. 921; Nov. 18, 1988, P. L. 100-690, Title VII, Subtitle B, § 7060(d), 102 Stat. 4404; Nov. 29, 1990, P. L. 101-647, Title XXII, § 2203(a), Title XXXV, § 3525, 104 Stat. 4857, 3924; Nov. 30, 1993, P. L. 103-159, Title II, § 201, Title III, § 303, 107 Stat. 1544, 1545; Sept. 13, 1994, P. L. 103-322, Title XI, Subtitle A, §§ 110102(d), 110103(d), Subtitle C, §§ 110301(a), 110302-110307, Title XXXIII, § 330011(i), 108 Stat. 1998, 1999, 2012, 2013, 2145.)

#### HISTORY; ANCILLARY LAWS AND DIRECTIVES

##### Prospective amendments:

Repeal of Sept. 13, 1994 amendments to subsec. (l), effective Sept. 13, 2004. Section 110105 of Subtitle A of Title XI of Act Sept. 13, 1994, P. L. 103-322, which appears as 18 USCS § 921 note, provides that the amendments made by such Subtitle (amending subsec. (l) of this section and 18 USCS §§ 921, 922, and 924) are repealed effective as of the date that is 10 years after the date of the enactment of such Act.

##### Amendments:

1982. Act Dec. 21, 1982 purported to insert "except .22 caliber rimfire ammunition" in "section 923(9), title 18 . . . after the words 'and ammunition'"; however, the amendment was executed to subsec. (g) of this section as the probable intent of Congress.

1986. Act May 19, 1986 (effective 180 days after enactment on 5/19/86, as provided by § 110(a) of such Act, which appears as 18 USCS § 921 note), in subsec. (a), in the introductory matter, substituted the sentence beginning "No person shall engage" for "No person shall engage in business as a firearms or ammunition importer, manufacturer, or dealer until he has filed an application with, and received a license to do so from, the Secretary." and substituted "and contain only that information necessary to determine eligibility for licensing." for "and contain such information", and, in para. (3)(B), deleted "or ammunition for firearms other than destructive devices," following "devices"; in subsec. (b), substituted "and contain only that information necessary to determine eligibility" for "and contain such information"; in subsec. (c), inserted the two sentences beginning "Nothing in this chapter" and "If any firearm is so disposed of"; in subsec. (e), inserted "willfully"; in subsec. (f), in para. (3), inserted "de novo" and "whether or not such evidence was considered at the hearing held under paragraph (2)", and added para. (4); substituted subsec. (g) for one which read: "(g) Each licensed importer, licensed manufacturer, licensed dealer, and licensed collector shall maintain such records of importation, production, shipment, receipt, sale, or other disposition, of firearms and ammunition [except .22 caliber rimfire ammunition] at such place, for such period, and in such form as the Secretary may by regulations prescribe. Such importers, manufacturers, dealers, and collectors shall make such records available for inspection at all reasonable times, and shall submit to the Secretary such reports and information with respect to such records and the contents thereof as he shall by regulations prescribe. The Secretary may enter during business hours the premises (including places of storage) of any firearms or ammunition importer, manufacturer, dealer, or collector for the purpose of inspecting or examining (1) any records or documents required to be kept by such importer, manufacturer, dealer, or collector under the provisions of this chapter or regulations issued under this chapter, and (2) any firearms or ammunition kept or stored by such importer, manufacturer, dealer, or collector at such premises. Upon the request of any State or any political subdivision thereof, the Secretary may make available to such State or any political subdivision thereof, any information which he may obtain by reason of the provisions of this chapter with respect to the identification of persons within such State or political subdivision thereof, who have purchased or received firearms or ammunition, together with a description of such firearms or ammunition." and substituted

subsec. (j) for one which read: "(j) This section shall not apply to anyone who engages only in hand loading, reloading, or custom loading ammunition for his own firearm, and who does not hand load, reload, or custom load ammunition for others."

Act July 8, 1986 (effective as provided by § 2 of such Act, which appears as 18 USCS § 921 note), in subsec. (c), inserted ", except that any licensed manufacturer, importer, or dealer who has maintained a firearm as part of a personal collection for one year and who sells or otherwise disposes of such firearm shall record the description of the firearm in a bound volume, containing the name and place of residence and date of birth of the transferee if the transferee is an individual, or the identity and principal and local places of business of the transferee if the transferee is a corporation or other business entity: Provided, That no other recordkeeping shall be required"

Act Aug. 28, 1986 (effective on enactment on 8/28/86, as provided by § 9 in part of such Act, which appears as 18 USCS § 921 note), in subsec. (e), inserted "The Secretary may, after notice and opportunity for hearing, revoke the license of a dealer who willfully transfers armor piercing ammunition."; and added subsec. (k).

Such Act further (effective on the first day of the first calendar month which begins more than 90 days after enactment, as provided by § 9 in part of such Act, which appears as 18 USCS § 921 note), in subsec. (a), in para. (1), substituted subpara. (A) for one which read: "(A) of destructive devices or ammunition for destructive devices, a fee of \$1,000 per year;" and substituted subpara. (C) for one which read: "(C) of ammunition for firearms other than destructive devices, a fee of \$10 per year." and, in para. (2), substituted subparas. (A) and (B) for ones which read:

"(A) of destructive devices or ammunition for destructive devices, a fee of \$1,000 per year; or

"(B) of firearms other than destructive devices or ammunition for firearms other than destructive devices, a fee of \$50 per year."

1988. Act Nov. 18, 1988, in subsec. (a), in the introductory matter, deleted the period following "licensing"; and in subsec. (f)(3), deleted the period following "(2)."

1990. Act Nov. 29, 1990, as amended by § 330011(i) of Act Sept. 13, 1994, P. L. 103-322 (effective as of the date on which § 3525 of Act Nov. 29, 1990, P. L. 101-647, took effect as provided by § 330011(i) of the 1994 Act, which appears 18 USCS 922 note), in subsec. (a)(3)(B), inserted a comma following "devices"; and in subsec. (d)(1)(B), substituted "(n)" for "(h)"

1993. Act Nov. 30, 1993, in subsec. (a)(3), in subpara. (A), inserted "or" after the semicolon, in subpara. (B), substituted "not a dealer in" for "a pawnbroker dealing in firearms other than" and substituted "\$200 for 3 years, except that the fee for renewal of a valid license shall be \$90 for 3 years." for "\$25 per year; or", and deleted subpara. (C), which read: "(C) who is not a dealer in destructive devices or a pawnbroker, a fee of \$10 per year."; and, in subsec. (g)(3), designated the existing provisions as subpara. (A), and added subpara. (B).

Such Act further, in subsec. (g)(3), purported to insert "and to the department of State police or State law enforcement agency of the State or local law enforcement agency of the local jurisdiction in which the sale or other disposition took place," after "thereon," however, the new matter was inserted after "thereon" in accordance with the probable intent of Congress.

1994. Act Sept. 13, 1994, in subsec. (a), in the introductory matter, inserted "and shall include a photograph and fingerprints of the applicant"; in subsec. (d), in para. (1), in subpara. (D), deleted "and" after the concluding semicolon, in subpara. (E), substituted ", and" for "a concluding period, and added subpara. (F), in para. (2), substituted "60-day" for "forty-five day"; in subsec. (g), substituted para. (1)(B)(ii) for one which read: "for ensuring compliance with the record keeping requirements of this chapter not more than once during any twelve-month period; or", and added paras. (6) and (7); and added subsec. (l).

Such Act further (effective as provided by § 110105 of such Act, which appears as 18 USCS § 921 note), in subsec. (l), added the sentences beginning "The serial number of any semiautomatic . . ." and "A large capacity ammunition feeding device . . ."

Such Act further (effective as of the date on which § 3525 of Act Nov. 29, 1990, P. L. 101-647, took effect, as provided by § 330011(i) of the 1994 Act, which appears as 18 USCS § 922 note), amended the directory language of § 3525 of the 1990 Act without affecting the text of this section.

**Other provisions:**

Application of May 19, 1986 amendment adding subsec. (f)(4). Act May 19, 1986, P. L. 99-308, § 110(b), 100 Stat. 461, which appears as 18 USCS § 921 note, provides that the amendment made by § 103(6)(B) of such Act, adding subsec. (f)(4), is applicable to any action, petition, or appellate proceeding pending on enactment on May 19, 1986.

State firearms laws and published ordinances to be provided to licensees; annual publication in Federal Register: For provisions requiring the Secretary to publish and provide to all licensees a compilation of the State laws and published ordinances of which licensees are presumed to have knowledge pursuant to 18 USCS §§ 921 et seq., and to publish same in the Federal Register, see Act May 19, 1986, P. L. 99-308, § 110(a), 100 Stat. 460, which appears as 18 USCS § 921 note.

**CROSS REFERENCES**

As to sentencing guidelines for this section, see the appendix entitled "Sentencing Guidelines for U.S. Courts" at the end of Title 18.

9/30/96

C

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

NEIL S. KRAVITZ, e/s Longnecker Road

95MAY09 09:14:13

Case No. 96-89-SPH

MEMORANDUM

This memorandum is prepared on behalf of the Appellant/Petitioner, Neil S. Kravitz, by his attorney Jay Fred Cohen.

QUESTION

- 1. Why did Neil Kravitz petition for a special hearing before the Zoning Commissioner of Baltimore County?
- 2. Why did Neil Kravitz have to request any hearing before any board, person or agency in Baltimore County to conduct in his home a "home occupation" as defined by the County regulations?
- 3. Why did Neil Kravitz have to apply for and obtain a Federal Firearms License and a State of Maryland Piston & Revolver Dealers license?

ANSWERS

Kravitz has always tried to be a good citizen, and comply with the laws of the federal, state or local governments. Mr. Kravitz has hobby which includes reloading ammunition for himself and others. The hobby like most hobbies such as photography, carpentry, etc. found Kravitz with a reputation for being an expert maker of reloaded ammunition and other people started asking him to make some very specific reloaded ammunition for them. These people would ask Kravitz to make a special type of ammunition to fit a specific firearm. The requests came from people involved in shooting competitions. These people "shooter" were striving for the perfect ammunition for their firearms. One may say the same way that drivers who participate in road races strive for the best tuned automobiles in order to win races.

What happens when a person with a hobby of reloading ammunition starts to reload for other people and to keep firearms overnight in his house? That person must comply with the Federal

firearms laws. The law requires a person to obtain at least two Federal Firearms Licenses. Kravitz in compliance with the laws and regulations applied for and obtained the necessary licenses. The licenses issued to Kravitz are a "01-Dealer in Firearms other than Destructive devices" which is the license required if you keep a firearm owned by another person overnight, and "06- Manufacturer of ammunition for firearms other than destructive devices or armor piercing ammunition" which is required if you charge another person for reloading ammunition even if that person furnished all the necessary material to do the operation.

. A qualification for holding a Federal Firearms License required Kravitz to obtain a State of Maryland "Piston & Revolver Dealers License" which was also applied for and issued by the Maryland State Police.

Kravitz having complied with the laws and regulations required for the licenses was now required to comply with the zoning regulations. The zoning regulations are clear as stated. If you live in a residential neighborhood you may conduct a home occupation and the definition is:

**"HOME OCCUPATION:** Any use conducted entirely within a dwelling which is incidental to the main use of the building for dwelling purposes and does not have any exterior evidence, other than a permitted sign, to show that the building is being used for any purpose other than that of a dwelling; and in connection with which no commodity is kept for sale on the premises, not more than one person is employed on the premises other than domestic servants or member of the immediate family, and no mechanical equipment is use except such as may be used for domestic purposes. A "Home Occupation" does not include fortune-telling."

Kravitz did not put out any sign. The hobby was incidental to the main use of the building. There is no evidence to indicate that the building is being utilized for any purpose other than that of a dwelling. No commodity is kept for sale on the premises. There is no one employed on the premises. The mechanical equipment is the type of equipment use for domestic purposes by millions of people. The house is surrounded by farm land and there is only parking for two automobiles on the premises.

Then why a hearing when no neighbors have filed any complaint and no County or State agency is objecting to Kravitz conducting a " home occupation" at his home..

The answer is that the Baltimore County Police sent a letter out to "Federal Firearms Licenses" holders, a copy of which is attached. The letter implies that if a person holding any "Federal Firearms License" expects to continue to hold the license then that person must take the appropriate steps within 60 days to comply with the Baltimore County Zoning law. Because of this letter Kravitz filed the request for a special hearing, which if he were complying with the "Home Occupation" regulations should not have been necessary.

THE LAW

There are a number of cases dealing with what a "home occupation" is. Most of these cases deal with other members of the community, and mostly neighbors making complaints about the person in question conducting a business on their home which is usually in a residential neighborhood.

The only case dealing with a person requesting a decision regarding the use of their home for a "home occupation" is the case of CITY OF TAKOMA PARK V. COUNTY BOARD OF APPEALS FOR MONTGOMERY COUNTY, 259 MD 619, 270 A.2d 772. This case dealt with the question of "home occupation" and whether a woman and her two children that lived with the owner of the home and worked with him in his business then qualified for a special exception. The business in question was that of being an upholstery. Here the owner of the home used the entire first floor for his business and lived on the second floor. The regulation setting out the terms of what type of business is a "home occupation" is similar too but different from the Baltimore County regulation. Here the Board approved the upholstery business conducted by the owner as a "home occupation" and the Court of Appeals upheld the Board.

In the case of MAUER et al v. SNYDER, 199 MD 551, 87 A.2d 612, Mauer, a neighbor, filed for an injunction against Snyder claiming that Snyder was conducting a commercial business out of his private residence in violation of the zoning regulation of Anne Arundel County. The lower court dismissed the petition. The case was appealed and the Court of Appeals reversed. The Court said "A "home occupation", however, must be something which is customarily incident to the use of the premises as a dwelling." The Court went on to further help define "home occupation" by saying, "it does not include as a "home occupation" any commercial enterprise which can be conducted on a lot 565 feet deep without "usurping" the primary use of the dwelling."

In this case the use, as testified to and not rebutted, is an area of about six (6) square feet which related to an area of 2 feet by 3 feet. If we relate this to the CITY OF TAKOMA PARK case where almost half the residence was used for the upholstery business the area is well within what the Board then a use that did not interfere with the primary use of the dwelling.

## ARGUMENT

The zoning regulation is set out below and defines what is a "home occupation.

**HOME OCCUPATION: Any use conducted entirely within a dwelling which is incidental to the main use of the building for dwelling purposes and does not**

have any exterior evidence, other than a permitted sign, to indicate that the building is being utilized for any purpose other than that of a dwelling; and in connection with which no commodity is kept for sale on the premises, not more than one person is employed on the premises other than domestic servants or members of the immediate family, and no mechanical equipment is used except such as may be used for domestic purpose. A "Home Occupation" does not include fortune-telling.

The testimony is clear, concise and not disputed.

1. The use of the dwelling is incidental to the main use of the building in that the use only occupies an area of 2 feet by 3 feet.
2. There is no outside sign and there is no evidence that any type of occupation is conducted in the dwelling.
3. There's no commodity kept for sale on the premises.
4. There are no employed persons, and all of the work is done by Mr. Kravitz.
5. The hand operated, mechanical equipment is the same equipment used for domestic purposes by other people who reload ammunition in their homes all over the county, state and the nation.

This "home occupation" is no different than that of a person who builds furniture in his home, does glass blowing, does upholstery work, sells Avon products, sells vacuum cleaners, and on and on except the unusual nature that only a person who performs the services and makes the products in this case has to have certain federal and state licenses.

It is very interesting that since the hearing before the Board an anonymous telephone call was made to the Fire Marshall's office. The Fire Marshall made an inspection. The Fire Marshall found the premises to be fully compliant with all fire regulations.

Respectfully submitted.

---

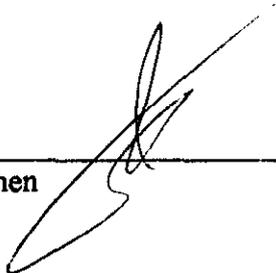
Jay Fred Cohen  
100 Church Lane  
Baltimore, Md 21208  
410-484-3050  
Attorney for Kravitz

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was mailed by first class mail on this 30th day of May, 1996 to the following named person or persons:

Carole S. Demilio, Esq.  
Office of Peoples's Counsel  
400 Washington Avenue  
Towson, Md 21204

Jay Fred Cohen

A handwritten signature in black ink, appearing to read "Jay Fred Cohen", is written over a horizontal line. The signature is stylized and somewhat cursive.

Del D. Gambrill  
of Police



Baltimore County Police  
Headquarters  
700 East Joppa Road  
Towson, Maryland 21286-5501

(410) 887-2214  
Fax (410) 821-8887

INTEGRITY . . FAIRNESS . . SERVICE

Date

Name  
Address

RE: Federal Firearms License

In 1994, the United States Congress passed the Violent Crime Control and Law Enforcement Act of 1994. Part of this Act concerns the issuance of Federal Firearms Licenses which now requires compliance with state and local law as a condition for obtaining / maintaining a license.

Baltimore County Zoning regulations require that a person engaged in the business of selling goods do so at a location which is properly zoned. Zoning regulations require that the place of business, the address on the Federal Firearms License, be located in a commercially zoned area. A review of the Baltimore County Zoning Maps indicates that the address indicated on your license is a residential area thereby requiring that a wavier or exception be granted in order to allow you to continue operating as a Federal Firearms Licensee. If you expect to continue to operate as a licensee please take the appropriate steps to comply with Baltimore County Zoning law and regulation within the next 60 days.

Please forward any request for a zoning exception or variance to the below address. Failure to comply with Baltimore County Zoning will result in the Bureau of Alcohol, Tobacco and Firearms denying you your Federal Firearms License.

If additional information is needed, please contact:

Sergeant Mark Cowley  
Baltimore County Police Department  
Criminal Investigative Service Division  
Firearms Violence Unit  
(410) 887-2150

11 4  
600 1  
11 3  
6.2. 01

Nationally Accredited Since 1984



VIOLENT CRIME CONTROL AND ENFORCEMENT ACT OF 1994

10 years, or

AGENCY PROVI-

United States

fined both. (c) T.

SIONS IN

Code, is amended by inserting "or a violation by such a person of section 922(x)" before the period at the end.

(2) SECTION 5032.—Section 5032 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph by inserting "or (x)" after "922(p)"; and

(B) in the fourth undesignated paragraph by inserting "or section 922(x) of this title," before "criminal prosecution on the basis".

(d) TECHNICAL AMENDMENT OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.—Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is amended by striking "which do not constitute violations of valid court orders" and inserting "(other than an offense that constitutes a violation of a valid court order or a violation of section 922(x) of title 18, United States Code, or a similar State law)."

(e) MODEL LAW.—The Attorney General, acting through the Director of the National Institute for Juvenile Justice and Delinquency Prevention, shall—

(1) evaluate existing and proposed juvenile handgun legislation in each State;

(2) develop model juvenile handgun legislation that is constitutional and enforceable;

(3) prepare and disseminate to State authorities the findings made as the result of the evaluation; and

(4) report to Congress by December 31, 1995, findings and recommendations concerning the need or appropriateness of further action by the Federal Government.

Subtitle C—Licensure

SEC. 110301. FIREARMS LICENSURE AND REGISTRATION TO REQUIRE A PHOTOGRAPH AND FINGERPRINTS.

(a) FIREARMS LICENSURE.—Section 923(a) of title 18, United States Code, is amended in the second sentence by inserting "and shall include a photograph and fingerprints of the applicant" before the period.

(b) REGISTRATION.—Section 5802 of the Internal Revenue Code of 1986 is amended by inserting after the first sentence the following: "An individual required to register under this section shall include a photograph and fingerprints of the individual with the initial application."

SEC. 110302. COMPLIANCE WITH STATE AND LOCAL LAW AS A CONDITION TO LICENSE.

Section 923(d)(1) of title 18, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (D);

but not possession; of ammunition by a juvenile person against an individual or a residence in

possession of which is which the transferor is subject to permanent by the juvenile sub-duct of the juvenile, such handgun or erment for the pur-term 'juvenile' means

of this subsection, the defendant's parent or or to enforce subpara-

of a parent or legal izing in a prosecution shown." United States Code.

in (2) or (3) of,

new paragraph: 922(x) shall be fined year, or both, except e sentenced to proba-e incarcerated unless probation.

is charged is posses-violation of section

ed in any court of an n 922(x) or a similar ense consisting of con-d not constitute an of-quent for conduct that : an offense.

knowingly violates sec-

imprisoned not more

otherwise transferred nowing or having rea-intended to carry or se use the handgun or e of violence, shall be

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:  
 "(F) the applicant certifies that—

"(i) the business to be conducted under the license is not prohibited by State or local law in the place where the licensed premise is located;

"(ii)(I) within 30 days after the application is approved the business will comply with the requirements of State and local law applicable to the conduct of the business; and

"(II) the business will not be conducted under the license until the requirements of State and local law applicable to the business have been met; and

"(iii) that the applicant has sent or delivered a form to be prescribed by the Secretary, to the chief law enforcement officer of the locality in which the premises are located, which indicates that the applicant intends to apply for a Federal firearms license."

**SEC. 110303. ACTION ON FIREARMS LICENSE APPLICATION.**

Section 923(d)(2) of title 18, United States Code, is amended by striking "forty-five-day" and inserting "60-day".

**SEC. 110304. INSPECTION OF FIREARMS LICENSEES' INVENTORY AND RECORDS.**

Section 923(g)(1)(B)(ii) of title 18, United States Code, is amended to read as follows:

"(ii) for ensuring compliance with the record keeping requirements of this chapter—

"(I) not more than once during any 12-month period; or

"(II) at any time with respect to records relating to a firearm involved in a criminal investigation that is traced to the licensee."

**SEC. 110305. REPORTS OF THEFT OR LOSS OF FIREARMS.**

Section 923(g) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(6) Each licensee shall report the theft or loss of a firearm from the licensee's inventory or collection, within 48 hours after the theft or loss is discovered, to the Secretary and to the appropriate local authorities."

**SEC. 110306. RESPONSES TO REQUESTS FOR INFORMATION.**

Section 923(g) of title 18, United States Code, as amended by section 110405, is amended by adding at the end the following new paragraph:

"(7) Each licensee shall respond immediately to, and in no event later than 24 hours after the receipt of, a request by the Secretary for information contained in the records required to be kept by this chapter as may be required for determining the disposition of 1 or more firearms in the course of a bona fide criminal investigation. The requested information shall be provided orally or in writing, as the Secretary may require. The Secretary shall implement a system whereby the licensee can positively identify and establish that an individual requesting

information  
 agency to  
 SEC. 110307. N  
 LI  
 Section 9  
 ing at the end  
 "(1)  
 enforcements  
 tions of t  
 whom a /

Sl

SEC. 110401. F  
 RI  
 TI

(a) INTIN  
 United States  
 by inserting a  
 "(32) The  
 son, the spous  
 vidual who is  
 who cohabita.

(b) PROF  
 922(d) of title  
 (1) b  
 (2) b  
 inserting  
 (3) b  
 graph:

"(8) i  
 from har  
 such per  
 gaging u  
 in reason  
 that this

recei  
 oppo.

credi  
 ner o

use,  
 mate  
 caus.

(c) PROF  
 922(g) of title  
 (1) b  
 (2) b  
 (3) b  
 "(8) i

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

October 17, 1995

Jay Fred Cohen, Esquire  
100 Church Lane  
Baltimore, Maryland 21208

RE: PETITION FOR SPECIAL HEARING  
E/S Longnecker Road, 400' N of the c/l of Piney Grove Road  
(14207 Longnecker Road)  
4th Election District - 3rd Councilmanic District  
Neil Steven Kravitz - Petitioner  
Case No. 96-89-SPH

Dear Mr. Cohen:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. Neil S. Kravitz  
14207 Longnecker Road, Glyndon, Md. 21071

People's Counsel

File

Capt. William Kalista, Commanding Officer, CISD Property & Support Services  
Baltimore County Police Department





# Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

for the property located at 14207 LONGNECKER ROAD  
96-89-SFH which is presently zoned RC 2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

**FIREARMS LICENSE IN A RESIDENTIAL ZONE.**  
**AS HOME OCCUPATION.**

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

ORDER RECEIVED FOR FILING

Date

By

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode



NAY FRED COHEN

100 CHURCH LA 484 3050

BALTIMORE MD 21208

NEIL STEVEN KRAVITZ

14207 LONGNECKER RD 833-7272

GLYNDON MD. 21071

1 hr.

25/16 8/23/95

H. MALMUD & ASSOCIATES, INC.  
100 CHURCH LANE  
BALTIMORE, MARYLAND 21208

TELEPHONE (410) 653-9511

96-89-SPH

DESCRIPTION FOR ZONING HEARING  
14207 LONGNECKER ROAD  
BALTIMORE COUNTY, MARYLAND

Beginning for the same on the east side of Longnecker Road at a point distant 400 feet northerly from the center of Piney Grove Road, thence leaving Longnecker Road and running the four (4) following courses and distances:

- (1) North 54° 39' 00" East 277.90 feet,
- (2) South 39° 29' 30" East 81.00 feet,
- (3) South 51° 36' 30" West 200.00 feet and
- (4) North 77° 35' 00" West 122.40 feet to the place of beginning.

Containing 0.5 of an acre, more or less.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT FOR THE CONVEYANCE OF TITLE

Herbert Malmud  
Registered Land Surveyor  
Maryland No 7558

July 27, 1995

FILE: Longnecker Zon DESC 27



# 83

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Townson, Maryland

96-89-SP4

District: H-1

Date of Posting: 9/22/85

Posted for: Special Hearing

Petitioner: Neil S. Kravitz

Location of property: 14207 Ringwood Rd.

Location of Signs: Facing road way on property being zoned

Remarks: \_\_\_\_\_

Posted by: M. P. Kelly

Signature

Date of return: 9/29/85

Number of Signs: 1



# CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/29, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/21, 1995.

THE JEFFERSONIAN,

*A. Henrichson*

LEGAL AD. - TOWSON

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows

Case: #98-89-SPH (Item B3)  
14207 Longnecker Road  
E/S Longnecker Road, 400' N of  
of Piny Grove Road  
4th Election District  
3rd Councilmanic

Legal Owner(s):  
Neil Steven Kravitz

Hearing: Friday  
October 13, 1995 at 9:00 a.m. in  
Rm. 106, County Office Building  
Special Hearing to approve a  
firearms license in a residential  
zone as home occupation.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Hand-  
capped Accessible; for special  
accommodations Please Call  
887-3383.

(2) For information concerning  
the file and/or hearing, please  
call 887-3391.  
9/17/95 Sept. 21

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No.

004880

DATE 8/23/95 ACCOUNT 01-615

Item: 83

By: MK

AMOUNT \$ 85.00

RECEIVED FROM: Kravitz, Neil - 14207 Longmeadow Road

030 - Res. Special Hearing - \$ 50.00

080 - 1 sign posting - \$ 35.00

FOR: \$ 85.00

96-89-SPH

0200280086NDCURC

\$85.00

BA 0010123AMOR-23-95

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

VALIDATION OR SIGNATURE OF CASHIER

YELLOW - CUSTOMER

BALTIMORE CO TY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No.

004880

DATE 10/31/95 ACCOUNT 01-615

AMOUNT \$ 210.00

RECEIVED FROM: Kravitz, Neil  
14207 Longmeadow Road

FOR: Special Appeal

96-89-SPH

0200280086NDCURC

\$210.00

BA 0010123AMOR-23-95

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

VALIDATION OR SIGNATURE OF CASHIER

YELLOW - CUSTOMER

95 NOV -9 11:09

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

96-89-5PH

District 446

Date of Posting 11/14/95

Posted for: Appeal

Petitioner: Neil S. Kravitz

Location of property: E/S Lion station Rd. off Perry Grove Rd

Location of Signs: Facing roadway on property being appealed

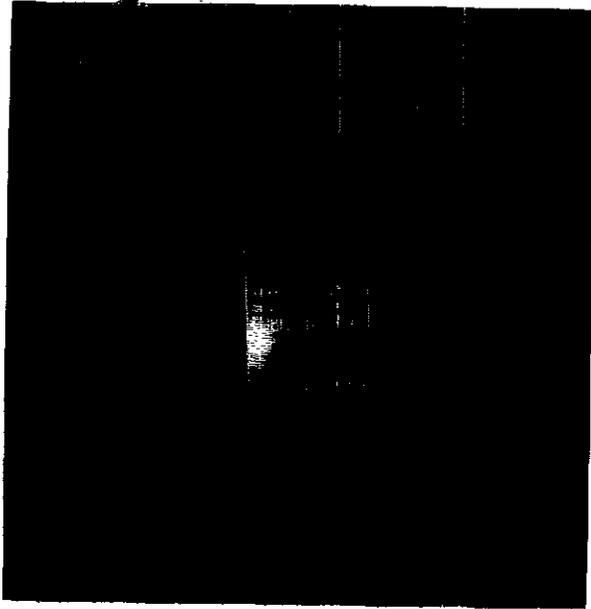
Remarks: \_\_\_\_\_

Posted by [Signature]

Signature

Date of return: 11/16/95

Number of Signs: 1





111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 83

Petitioner: Neil Steven Krautz

Location: 14207 Longnecker Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Neil Steven Krautz

ADDRESS: 14207 Longnecker Rd.

Glyndon, MD 21071

PHONE NUMBER: (410) 833-7272

AJ:ggs

(Revised 04/09/93)



TO: PUTKENT PUBLISHING COMPANY  
September 21, 1995 Issue - Jeffersonian

Please forward billing to:

Neil Steven Kravitz  
14207 Longnecker Road  
Glyndon, MD 21071  
833-7272

---

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-89-SPH (Item 83)  
14207 Longnecker Road  
E/S Longnecker Road, 400' N of c/l Piney Grove Road  
4th Election District - 3rd Councilmanic  
Legal Owner: Neil Steven Kravitz  
HEARING: FRIDAY, OCTOBER 13, 1995 at 9:00 a.m. in Room 106, County Office Building.

Special Hearing to approve a firearms license in a residential zone as home occupation.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

September 12, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-89-SPH (Item 83)

14207 Longnecker Road

E/S Longnecker Road, 400' N of c/l Piney Grove Road

4th Election District - 3rd Councilmanic

Legal Owner: Neil Steven Kravitz

HEARING: FRIDAY, OCTOBER 13, 1995 at 9:00 a.m. in Room 106, County Office Building.

Special Hearing to approve a firearms license in a residential zone as home occupation.

A handwritten signature in cursive script that reads "Arnold Jablon".

Arnold Jablon  
Director

cc: Neil Steven Kravitz  
Jay Fred Cohen, Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room - Room 48  
Old Courthouse, 400 Washington Avenue

February 7, 1996

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 96-89-SPH

NEIL S. KRAVITZ, Partner  
E/s Longnecker Road, 400' N of the c/l of  
Piney Grove Road (14207 Longnecker Road)  
4th Election District  
3rd Councilmanic District

SPH -To approve a firearms license in a residential zone as a home occupation.

10/17/95 -Z.C.'s Order in which Petition for Special Hearing is DENIED.

ASSIGNED FOR: THURSDAY, MAY 2, 1996 at 10:00 a.m.

cc: Jay Fred Cohen, Esquire Counsel for Appellant /Petitioner  
Neil S. Kravitz Appellant /Petitioner

Captain William Kalista  
Baltimore County Police Dept.

People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
W. Carl Richards, Jr. /PDM  
Docket Clerk /PDM  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco  
Administrative Assistant



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: K. Howanski  
D. Levero  
C. Marks

DATE: June 11, 1996

FROM: Kathi

SUBJECT: Case No. 96-89-SPH /Neil S. Kravitz

As confirmation of our telephone conversation, and for purposes of adjusting your calendar, enclosed is a copy of the Amended Notice of Deliberation for the Kravitz deliberation scheduled for Wednesday, June 19, 1996, now to start at 10:00 a.m. Please mark your schedule accordingly.

Thank you for your cooperation in this reassignment.

kathi

Attachment

*file copy*



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

June 11, 1996

AMENDED NOTICE OF DELIBERATION /As to time only

Having concluded this case on May 2, 1996, and having received Memorandum of Counsel filed May 30, 1996, the County Board of Appeals has scheduled the following date and time for deliberation of this matter. PLEASE NOTE THAT THIS AMENDED NOTICE REASSIGNS THE TIME ONLY FOR THIS DELIBERATION TO 10:00 a.m.:

NEIL S. KRAVITZ -PETITIONER  
CASE NO. 96-89-SPH

DATE AND TIME : Wednesday, June 19, 1996 at 10:00 a.m.  
LOCATION : Room 48, Basement, Old Courthouse

cc: Jay Fred Cohen, Esquire Counsel for Appellant /Petitioner  
Neil S. Kravitz Appellant /Petitioner

Captain William Kalista  
Baltimore County Police Dept.

People's Counsel for Baltimore County  
Lawrence E. Schmidt  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco  
Administrative Assistant

K.M.C. /copied





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

October 6, 1995

Jay Fred Cohen, Esquire  
100 Church Lane  
Baltimore, MD 21208

RE: Item No.: 83  
Case No.: 96-89-SPH  
Petitioner: N. S. Kravitz

Dear Mr. Cohen:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 23, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr." is written over the typed name.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: September 14, 1995

FROM: Pat Keller, Director, OP

SUBJECT: 14207 Longnecker Road

INFORMATION:

Item Number: 83

Petitioner: Neil Steven Kravitz

Property Size: \_\_\_\_\_

Zoning: RC-2

Requested Action: Special Hearing

Hearing Date:     /    /    

SUMMARY OF RECOMMENDATIONS:

This office recommends that the applicant's request be denied for the same reasons as stated in Mr. Zimmerman's letter of August 9, 1995 to Zoning Commissioner Schmidt regarding the use of a firearms dealership as a home occupation (see attached).

Prepared by: Jeffrey W. Long

Division Chief: Bary L. Kline

PK/JL



**Baltimore County, Maryland**

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse  
400 Washington Ave.  
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN  
People's Counsel

CAROLE S. DEMILIO  
Deputy People's Counsel

August 9, 1995

Lawrence E. Schmidt, Esquire  
Baltimore County Zoning Commissioner  
Old Courthouse, Room 118  
400 Washington Avenue  
Towson, MD 21204

Hand-delivered

Re: Petition for Special Hearing  
15 Seabright Avenue  
W/S Seabright Ave., 465' +/- N of  
Bayside Drive, 15th Election District,  
7th Councilmanic  
PETITIONER: JOSEPH A. WHITT, ET UX.  
Case No. 95-468-SPH

Dear Mr. Schmidt:

We are in receipt of the decision dated July 27, 1995 in the above case. The opinion's thorough description of the proposed use has enabled us to do further legal analysis.

The Baltimore County Charter assigns to this office the responsibility to defend the comprehensive zoning maps. We are, therefore, obligated to express our interest in what we perceive as an issue of public importance.

Upon careful review of the applicable law, we must request reconsideration because the proposed commercial use is not allowed in a residential zone. A firearms dealership is not a home occupation, in accordance with the traditional circumscribed meaning and understanding of that term. Maurer v. Snyder, 199 Md. 551 (1952); Anderson, American Law of Zoning 3d, Sec. 13.01, et seq. (1986); see Zoning Commissioner's Policy Manual, Sec. 101 (1992).

The firearms dealership is a "sporting goods" use permitted in the B.L. (Business, Local) zone under BCZR Sec. 230. Even professional offices within homes are subject to special exception review and standards. BCZR 1B01.1C9b.

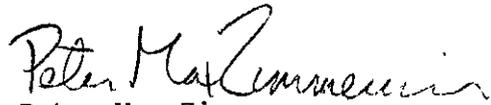
The requested use thus falls under the general disallowance of commercial uses in residential zones, or of any uses not explicitly permitted in the district. Leimbach Construction Co. v. Baltimore City, 257 Md. 635 (1970); Kowalski v. Lamar, 25 Md.App. 493 (1975).

Lawrence E. Schmidt, Esquire  
Baltimore County Zoning Commissioner  
August 9, 1995  
Page Two

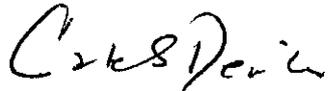
The law turns on the character of the use, rather than the details of the operation or the lack of the usual exterior trappings. The petitioner conducts, as a matter of law, the essence of a sporting goods dealership.

As the Court of Appeals concluded in Maurer, if this use were construed as a "home occupation", the "residential character of a [residential] district would have little meaning or legal protection."

Very truly yours,



Peter Max Zimmerman  
People's Counsel for Baltimore County



Carole S. Demilio  
Deputy People's Counsel

PMZ/CSD/caf

cc: Joseph A. and Kathryn L. Whitt, Petitioners

Arnold (Pat) Keller, Director, Office of Planning ✓

Michael Gambrell, Baltimore County Police Chief

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: ZADM *Joyce Watson*  
FROM: DEPRM  
Development Coordination  
SUBJECT: Zoning Advisory Committee  
Agenda: 9-5-95

DATE: Sept. 14

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

- Item #'s: 81  
83  
87  
89  
91  
92

LS:sp

LETTY2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director                      DATE: Sept. 15, 1995  
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief  
Development Plans Review

RE: Zoning Advisory Committee Meeting  
for September 11, 1995  
Items 082, 083, 084, 088, 090, and 091 *5*

The Development Plans Review Division has reviewed  
the subject zoning items and we have no comments.

RWB:sw

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 10/02/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF SEPT. 5, 1995.

Item No.: SEE BELOW

Zoning Agenda:

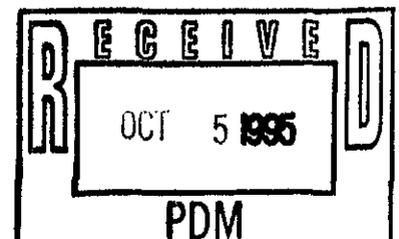
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 81, 82, 83, 84, 85, 86, 87, 88,  
90, 91 AND 92. A

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





**Maryland Department of Transportation  
State Highway Administration**

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

9-12-95

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 083 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*

*for*

Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

November 1, 1995

Jay Fred Cohen, Esquire  
100 Church Lane  
Baltimore, Maryland 21208

RE: Petition for Special Hearing  
E/S Longnecker Road, 400 N of  
the c/l of Piney Grove Road  
(14207 Longnecker Road))  
4th Election District  
3rd Councilmanic District  
Neil S. Kravitz, Petitioner  
Case No. 96-89-SPH

Dear Mr Cohen:

Please be advised that the appeal of the above-referenced case filed in this office on October 26, 1995 and all materials relative to the case have been forwarded to the Baltimore County Board of Appeals, "Board".

If you have any questions concerning this matter, please do not hesitate to contact the Board at 887-3180.

Sincerely,  
Handwritten signature of Arnold Jablon in cursive.

ARNOLD JABLON  
Director

AJ:bb

cc: Neil S. Kravitz  
Captain William Kalista  
People's Counsel



APPEAL  
PETITION FOR SPECIAL HEARING  
E/S Longnecker Road, 400 N of  
the c/l of Piney Grove Road  
(14207 Longnecker Road)  
4th Election District - 3th Councilmanic District  
Case No 96-89-SPH

Petition(s) for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Committee Advisory Committee

Petitioner (s) Sign-In Sheets

Plat to Accompany Petition (Not marked as Exhibits)

Three Aerial Photographs (Not marked as Exhibits)

Letter to Mr. Peter Max Zimmerman from Captain William Kalista  
CISD Property and Support Services dated September 5, 1995

Copy of letter dated August 9, 1995 to Lawrence E. Schmidt, Zoning  
Commissioner from Peter Max Zimmerman

Zoning Commissioner's order dated October 17, 1995 (Denied)

Notice of Appeal received on October 25, 1995 from Jay Fred Cohan,  
Esquire, on behalf of Neil S. Kravitz

cc: Jay Fred Cohen, Esquire, 100 Church Lane, Pikesville, MD 21208  
Neil S. Kravitz, 14207 Longnecker Road, Glyndon, MD 21071  
Captain William Kalista, Balto. Co. Police Headquarters,  
700 East Joppa Road, Towson, Maryland 21286-5501  
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Arnold "Pat" Keller, Director, Planning  
Lawrence E. Schmidt, Zoning Commissioner  
Arnold Jablon, Director of PDM

2/07/96 -Notice of Assignment for hearing scheduled for Thursday,  
May 2, 1996 at 10:00 a.m. sent to following:

Jay Fred Cohen, Esquire  
Neil S. Kravitz  
Captain William Kalista  
Baltimore County Police Dept.  
People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
W. Carl Richards, Jr. /PDM  
Docket Clerk /PDM  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney

---

5/02/96 -Hearing concluded. Memos due from parties 5/30/96; to be  
deliberated 6/19/96 /notice to be sent. (K.C.M.)

---

5/30/96 -Memo filed by People's Counsel  
Memo filed by J. F. Cohen on behalf of Petitioner.

-----

5/30/96 -Notice of Deliberation sent to parties and CBA panel.  
Scheduled for deliberation on Wednesday, June 19, 1996 at 9:00 a.m.  
(K & M will stay on for 10:00 a.m. hearing that date; C only here  
for 9:00 deliberation).

---

6/11/96 -Letter from Counsel for Petitioner in Case No. 96-120-SPHA  
requesting later start time on June 19, 1996. This request was  
granted and that particular case reassigned to 11:30 a.m. on  
6/19/96. Therefore, the instant deliberation, scheduled for 9:00  
a.m., has been reassigned to 10:00 a.m. as the start time; no  
change in date.

Amended Notice of Deliberation sent to parties; time changed to  
10:00 a.m. on scheduled date of 6/19/96.

---

6/19/96 - Board convened for public deliberation. Petition for SPH as  
requested to be DENIED; separate building used; also, as to  
equipment used for same (K and C); M agrees as to first issue;  
dissents as to use of equipment (believes it to be domestic).  
Majority Opinion to be issued; concur/dissent by (M).

No. 96-89-SPH

---

August 23, 1995      Petition for Special Hearing filed by Jay Fred Cohen, Esquire, on behalf of Neil Steven Kravitz, to approve a firearms license in a residential zone as a home occupation.

October 13            Hearing held on Petition by the Z.C.

October 17            Order of the Zoning Commissioner in which Petition for Special Hearing was DENIED.

October 28            Notice of Appeal filed by Jay Fred Cohen, Esquire on behalf of Neil Steven Kravitz.

May 2, 1996          Hearing before the Board of Appeals.

June 19                Deliberation conducted by the Board.

August 16             Opinion and Order of majority of the Board in which the Petition for SPH was DENIED; Concurring/Dissenting opinion by SDL.

September 4          Amended Opinion and Order issued by the Board to correct the case number.

September 5          Petition for Judicial Review filed in the Circuit Court for Baltimore County by Jay Fred Cohen, Esquire, on behalf of Neil S. Kravitz. (copy rec'd by CBA 9/10/96)

September 11        Certificate of Notice sent to interested parties.

November 4, 1996 ✓    Transcript of testimony filed; Record of Proceedings filed in the Circuit Court.

March 25, 1997 ✓ TE    Memorandum Opinion issued by the CCT for Balto. County, decision of the CBA is AFFIRMED (Christian M. Kahl, J)

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: K. Howanski  
D. Levero  
C. Marks

DATE: May 30, 1996

FROM: Kathi

SUBJECT: Neil S. Kravitz -Petitioner /Case No. 96-89-SPH

Enclosed for your review are the following documents relative to the above-referenced matter (Memos filed 5/30/96 as indicated at conclusion of hearing on May 2, 1996):

1. People's Counsel's Memorandum filed by Peter Max Zimmerman and S. Carole Demilio.
2. Memorandum filed by Jay Fred Cohen, Esquire, on behalf of Neil S. Kravitz, Appellant /Petitioner.

Also enclosed is a copy of the Notice of Deliberation indicating that deliberation has been scheduled for Wednesday, June 19, 1996 at 9:00 a.m. Please note that both Kris and Diane are also scheduled for the 10:00 a.m. case that morning; however, Chuck is only scheduled for the 9:00 a.m. deliberation in the matter of Kravitz.

Should you have any questions regarding the above, please call me.

kathi

Attachments

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Neil S. Kravitz -Petitioner  
Case No. 96-89-SPH

DATE : June 19, 1996 @ 10:05 a.m.

BOARD /PANEL : Kristine K. Howanski (KKH)  
Charles L. Marks (CLM)  
S. Diane Levero (SDL)

SECRETARY : Kathleen C. Bianco  
Administrative Assistant

Among those present at the deliberation were Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel.

**PURPOSE** --to deliberate issues and matter presented to the Board; testimony and evidence received June 19, 1996. Written Opinion and Order to be issued by the Board.

**KKH:** We are here this morning to deliberate Case No. 96-89-SPH, Neil S. Kravitz, Petitioner, and even though it's not a typical zoning matter, I guess I still have my continuing objections to the public deliberation process and note that. And typically, I think I will stay with that today as a prefer to hear from my colleagues before I speak.

**SDL:** The Petitioner is appealing the Zoning Commissioner's denial for special hearing to approve firearms license in residential zone as a home occupation. I would deny the Petitioner's appeal. I would do this on the basis of one factor only -- conducts gun-related activities in an auxiliary building, not the main dwelling or attached to the main dwelling. All other aspects comply with the requirements: no signs; no commodity on premises; no employees; and, finally, in my opinion, using no mechanical equipment.

People's Counsel argues that reloading machine serves no domestic purpose and, therefore, the use of this equipment renders him noncompliant. I strongly disagree. Mr. Kravitz is an active member of four or five gun groups; all of 250 members of one reload their own ammunition; and 99 percent of Baltimore County gun club load their own ammunition. Theirs is not a commercial use. I would point out that a homeowner has the right, under the Second Amendment of the Constitution, to keep arms in their home, and many homeowners exercise this right. The loading of cartridges for firearms would be

Deliberation /Neil S. Kravitz -Petitioner /96-89-SPH

incidental to valid and basic domestic use; use of hand-operated equipment is as valid as sewing machine or computer.

People's Counsel argues that Appellant's petition should be denied because gun dealerships cannot be permitted. He cites case law; but does not cite any case law regarding gun dealerships not being home occupations. No convincing evidence as to why gun dealerships should be singled out and targeted.

Police Captain Kalista testified that police would have safety and law enforcement concerns in residential zones; yet there was no testimony of any specific concerns about Appellant's property; nor did he testify of any problems of licensees operating in residential zones. No neighbor appeared as a protestant. It's prudent to note that both the Whitt case and this case came before the Zoning Commissioner and to this Board as a result of Petitioners' obvious response to a letter from the Police Department telling them that they needed "waiver or exception" to continue operating as Federal firearms licensee. This is a gross disservice to the 135 residential owners of Federal firearms licenses who received the letter.

I must deny the Petition, but in my opinion, if the Petitioner did move his activities to the main dwelling, he would be in compliance.

**CLM:** First of all, expressing thanks for the Counsel of both sides for excellence in presentation during hearing, and the Briefs filed with this Board. All of these matters were very helpful in reaching my conclusions and that of my associates.

I would like to further state that before reaching conclusion, I thoroughly researched my notes, exhibits, evidence, and statutory and case law presented before the Board. Mr. Kravitz is a most interesting individual. He appears to be talented and gifted, and unlike many individuals, uses his abilities and transforms them into development of hobbies and crafts. In one field he is an expert -- the field of reloading ammunition; so much so that others come to him without advertising or publishing to seek his craftsmanship. This is not an ordinary hobby; he is required to comply with Federal, State and local requirements before continuing craft. Testimony and evidence at hearing indicated he is in compliance with State and Federal regulations regarding overnight firearms on property. This is necessary in order for Appellant to continue with his hobby of reloading ammunition. The State also requires that Appellant sell 10 guns per year -- usually sells to friends only -- to comply

with State law.

So we have here an individual who has a hobby -- expert in his field -- operates in a somewhat remote section of Baltimore County; does not advertise; complied with Federal and State laws; no complaints have been filed -- and he finds himself with problem because of new Federal legislation. He must comply with the zoning regulations. Basic question, however, here is relatively simple one. Individuals may conduct home occupation in residential neighborhood provided certain requirements are satisfied. One is the use of ammunition conducted entirely in dwelling incidental to dwelling. No exterior evidence other than permitted sign. There is no doubt, based on evidence, there is no visible evidence, and from exterior anyone passing by would consider it residential in nature. However, the testimony, according to my notes, indicates that there are two separate buildings connected by a covered sidewalk. The work performed in smaller building -- office, kitchen and bath. Whether or not we agree with the legislation, the intent was clear. Occupation must be performed within the dwelling incidental to the main use of the building for dwelling purposes.

Clearly, the Council did not intend ancillary or accessory buildings to be included in the definition. I agree with People's Counsel's position that it was not in the spirit and intent of the regulations relative to accessory and covered passageways.

Second, the ordinance requires that no commodity be kept on the premises. Testimony indicated at least 10 guns per year are sold.

Thirdly, no mechanical equipment is to be used.

**KKH:** If I may interrupt for a second. No commodity is kept for sale.

**CLM:** While the machinery occupies only 3' x 3' in which to work, the question is whether or not it is one used for domestic purposes. Domestic - of or related to home, household or family life. Clearly machinery itself, while small and compact, is not within the commonly understood definition of "domestic purposes" basic to function of household.

Recognizing existence of home occupations when legislation was introduced, the Council decided to include such practices to the extent not detrimental to the health, safety or general welfare of purely residential communities. As to fortune telling exceptions in the ordinance -- People's Counsel has

Deliberation /Neil S. Kravitz -Petitioner /96-89-SPH

detailed that exception. Concur that exception was solely one to exclude fortune telling -- not to negate the idea that the Council meant any change. The County Council has chosen to include home occupations as ancillary to residence. As times change, so does the use of home occupations. Back in the days of founding republic, ammunition was common. However, in today's society, sale and manufacture are best left to stores and facilities with protective devices or alarm system in place. That is not say that such an occupation cannot be done in the home --if the Petitioner is able to satisfy the list of criteria required by legislation. In the Whitt case, Petitioner met all required elements. That is not the case here.

There are times when individuals must feel frustrated by laws that deny him the right pursue a hobby. Also, citizens that feel that the government may be going too far afield in gun regulations. It is also too tempting to mechanize regulations by administrative edict - that is not the function of this Board. We must interpret statute in light and spirit County Council intended. If it is to be changed to accommodate activities such as Mr. Kravitz, must be done by legislative body. "Never doubt that a few committed individuals can change the world. Indeed, it is the only thing that ever has."

Order of the Zoning Commissioner should be affirmed. The Petition should be denied.

**KKH:** We seem to have agreement in one area and disagreement as to the next. I would concur at this moment with both of you that as a technical matter, appeal does have to be denied on the basis of dwelling requirement. It is housed in a second building which is not the main dwelling, and I yet I think Diane's point is valid. We need to go further. It seems that that is the only problem. Mr. Kravitz can transfer his operation to his dwelling and be in compliance. Here I am not as clear -- in Whitt -- one could say absolutely only incidental to use; equipment okay. You, Chuck, would say it's not really incidental and equipment is not okay.

I was grappling with this because I think, frankly, you can read it either way. When you look at the statute, when I looked at the first part, the first part says it's any use conducted entirely in the dwelling -- which is incidental to the main use of the building for dwelling purposes. This can be read either way -- Incidental - if dwelling still basically remains a dwelling and you are able to live in it and use would not overtake the home - this is incidental. You can also read it to say it has something to do with use of the

Deliberation /Neil S. Kravitz -Petitioner /96-89-SPH

dwelling -- complementary or subordinate to or somewhat related to the main use of the building as a dwelling.

Here again, we may have some disagreement because, Diane, you may say "well, that is." Small percentage of people who make ammunition in the home and so forth for personal use.

I was going down that road this morning; you could certainly make use valid if you said it's a hobby; that would be a domestic use. That is, if gun selling -- and I think that's the problem in this case -- was just the hobby of making and assembling pieces to make cartridges; that would be a home use.

The problem here is -- there is a commercial component to it; this is where I get bogged down. And then I look at it - no mechanical equipment is used as may be used for domestic purposes. This is where I think incidental should appear; should relate to the main use of the building as a dwelling. It's a shame; I found Mr. Kravitz quite charming and interesting, and I share your concern about the underlying circumstances which brought Mr. Kravitz here -- upsetting -- plus the left hand not knowing what the right hand is doing -- of all laws -- requirement of Federal law; State issuing letters to people like Mr. Kravitz -- inaccurate; arrives on official letterhead and has an aura of correctness and yet -- I think properly or improperly, we are going to be left deciding these matters -- either people such as Mr. Kravitz take the initiative and come in, or they sit tight and when they go to get license renewed, it's turned down for failure to comply, and we are here.

That I find upsetting. On the other hand, we are a court of limited jurisdiction. We do not have authority to say this is unconstitutional -- not that I am saying this is the instance here. We are not an equity court; more appropriate here; this is not equitable. Yet, we cannot perform equity. We do not have that capacity here.

I find the Second Amendment a little more confusing than you do [still discussing with Diane]; to enable local jurisdictions to form a militia so the Federal government does not have the only militia. Since I found it more confusing than that, there is authority actually for both positions -- for the militia and also right of individual to bear firearms. I don't think it will get clearer than that at this juncture. I agree with Chuck that were we hearing this case 100 years ago, this would not have come up. I would suspect at that time it would have been for a domestic purpose. A lot of homes would have had this equipment in their homes, and would

not have been ---

SDL: Comparing it to a sewing machine -- 100 years ago, every home would have had a sewing machine, as a domestic purpose. How many have them today?

KKH: Again, I think you are right.

SDL: No one would argue it's a domestic use to have a sewing machine; how many people now make cartridges? To have firearms in the home and incidental to that, if a person so desires, to make their own cartridges -- same as incidental to --

KKH: If I might make a distinction -- I would agree on first part that the making of the ammunition would qualify as incidental up here. Where I fall is on the mechanical equipment part. When it says no mechanical equipment except as such -- you think of sewing machine. You could use sewing machine personally or for home use.

SDL: To draw a parallel -- it's okay for you to sew your own clothes, but you cannot use a sewing machine; you would have to do it by hand.

KKH: Maybe if you had this machine RL 1050 and it also pits cherries -- then that would qualify -- and also does this. That is domestic purpose. My impression, my belief is that is what they are looking for. I don't know -- I'm still struggling.

SDL: I'm saying it's valid because actual use of making cartridges is ancillary to the right to have a gun in your home. I think that's a very valid use today; was standard 100 years ago.

KKH: The problem is then -- in the middle part - no commodity is kept for sale on the premises. Here the commercial nature of it -- does give me some pause. I found it ironic because to allow license - must sell.

SDL: I thought about that phrase -- I'm taking what I think the Council meant by that -- no inventory or stock. In store you keep stock; customers come in; look over their inventory. This is not the case. In Mr. Kravitz' case or the Whitt case -- this is a home occupation in both cases. In his case - he has to keep cartridges and cases and powder - while doing this work of loading cartridges. Complies with the law as to amount of powder in home; does not keep inventory.

KKH: It's not the same thing. But use of the word commodity is

Deliberation /Neil S. Kravitz -Petitioner /96-89-SPH

broader than inventory. Something of use or value in trade or commerce as distinguished from service.

SDL: ...then no one can keep anything. What about the woman -- dressmaking is home occupation; but cannot keep material to work on. Keeping it overnight -- it's breaking the law.

KKH: No one would be upset because it's not a gun. Making golf clubs is no different.

SDL: I don't believe that the intent of the law was to prohibit keeping any stock or commodity in the home; you are left with no home occupation at all. You need something to work on.

KKH: Interesting. What do you think, Chuck?

SDL: I think given that definition, you could bring up any home occupation and knock them out.

KKH: When I looked at it -- what's the difference between this and golf club issue -- that does not upset people.

CLM: Position well taken. Using word commodity - professional services or where services rendered as opposed to something constructed and kept.

In connection with no commodity kept for sale - tangible thing as opposed to service provided; computer, doctor, lawyer.

Again, in case of woman taking in dressmaking -- service performed on it but it's not kept for sale.

SDL: With dressmaking, you sew or make something for someone; it's kept in the home overnight.

KKH: And I would agree with you on that. I do look at it differently -- someone makes ammunition to see if someone wants to buy it. Different than someone commissions you to produce it for that person.

Question: If it was all done for free, would it be okay?

CLM: It's kept for sale. If it were free, it would be exempt.

SDL: Free would not be a home occupation.

CLM: One difference between this and the Whitt case -- no guns were actually kept on the premises; done through catalog, from manufacturer.

Deliberation /Neil S. Kravitz -Petitioner /96-89-SPH

SDL: But People's Counsel would argue that he ordered a gun; it came in; he picked it up. Immediately notified the person by telephone; they should pick it up. People's Counsel argued even if it was there overnight, he was violating the law. But I believe it was said that if it was there for 30 minutes, he was violating the law. I could stand corrected on that -- the amount of time. But...

CLM: My own opinion is when looking at the ordinance, you have to narrowly construe them. Cannot identify intent of Council, but it's clear that if the special exception is to be granted, then proper course of action is not by this Board or by Court usurping legislative prerogatives; go to the Council and have it changed. This is a very narrow ordinance.

KKH: What role should the policy manual play in this? What I am looking at -- and I will say this case troubles me, but I agree with Chuck -- as a rule you do not go around looking for ways to expand readings of statutes and regulations. But it's clear to me that the driving force behind all of this, and color and tone being set by that manual -- rather than by strictest reading of statute which, I have decided, to me at least, is somewhat ambiguous in ways so that ambiguity -- I don't know -- it would seem to me that the Zoning Commissioner may or may not be the appropriate resource. If we had had the history, more than that, but we don't. I guess in my reading of this I would have to come down -- already against Mr. Kravitz on both counts -- that is #1 -- fails because it's not within the one dwelling; can correct that by pulling into house.

When you read "incidental" in conjunction with equipment -- and, Diane, I believe you are right -- but I view "incidental" as something that relates to that particular dwelling's primary purpose, which is to serve as a dwelling. And I guess the distinction I would make is that if this were done because Mr. Kravitz goes out every day and catches his dinner -- I would consider it a domestic use.

SDL: Now you are talking about guns as sportsman or hunting. That's one purpose of owning a gun. The second purpose, and more valid, is defense of home or property.

KKH: There was no discussion of that.

SDL: I'm just saying that is my reasoning for saying it's incidental. I can't think of a more valid domestic purpose than to protect your home, life and property.

CLM: There is a differentiation -- you are talking about the right

Deliberation /Neil S. Kravitz -Petitioner /96-89-SPH

of a person to retain arms. This is a person's right to sell.

SDL: The argument was that use of equipment is not a valid domestic use. If they want to make them, should be prohibited from using equipment. You've got a domestic use. Therefore, the equipment should be allowed in a home occupation.

KKH: I don't see these firearms used to protect the home. I'm struggling with this -- I cannot relate this specific use with a dwelling. Making cartridges may not be everybody, but can be dwelling use; or result of break-ins. But what we have here is, and, again, I feel badly because it's sort of thing hoisted by one's own petard -- but we have firearms being sold and ammunition produced for sale.

SDL: In this case, yes. I don't know how to explain it.

KKH: I understand -- but it does not fit this case. I do believe it has to be fact specific. That equipment could be valid.

SDL: You can use it as a home occupation because it can be used domestically. Not everyone does it--

CLM: I do not agree. A sewing machine and computers can be used by entire family. Here, you have a very specified thing.

SDL: When this is handed down from father to son, and even families will go out target shooting - hunting - with a gun. Generally people who are knowledgeable keep gun as weapon -- both husband and wife and so forth know responsible use of a gun. Not related to head of household.

The equipment is a domestic use even though he is using it in a home occupation. If we knock this out as a valid use, something he has been doing without harm to anyone as side interest, I do not believe it is right to take it away on these grounds. No complaints; we don't deal in anonymous complaints.

KKH: I guess I am going to not totally or comfortably agree with Chuck on this; really on the basis of the Zoning Commissioner's policy manual. That is, that the statute that we are looking at I do read as ambiguous. I do turn then to the Manual. The Manual has set forth interpretation that the home occupation be a use that happens as a result of and in connection with the use as a dwelling; i.e., of domestic nature, and the types of uses they set forth, for better or worse, are ironing, washing of clothes, sewing, dressmaking, cooking, computers, to a limited extent. Even computer is limited; that is - a few computers may be used in a manner

Baltimore County, Maryland



OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse  
400 Washington Ave.  
Towson, MD 21204

(410) 887-2188

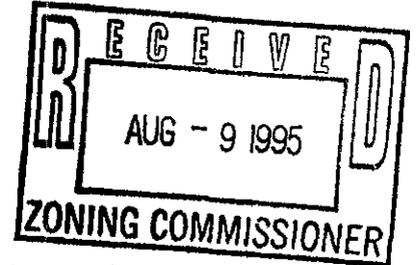
PETER MAX ZIMMERMAN  
People's Counsel

CAROLE S. DEMILIO  
Deputy People's Counsel

August 9, 1995

Lawrence E. Schmidt, Esquire  
Baltimore County Zoning Commissioner  
Old Courthouse, Room 118  
400 Washington Avenue  
Towson, MD 21204

Hand-delivered



Re: Petition for Special Hearing  
15 Seabright Avenue  
W/S Seabright Ave., 465' +/- N of  
Bayside Drive, 15th Election District,  
7th Councilmanic  
PETITIONER: JOSEPH A. WHITT, ET UX.  
Case No. 95-468-SPH

Dear Mr. Schmidt:

We are in receipt of the decision dated July 27, 1995 in the above case. The opinion's thorough description of the proposed use has enabled us to do further legal analysis.

The Baltimore County Charter assigns to this office the responsibility to defend the comprehensive zoning maps. We are, therefore, obligated to express our interest in what we perceive as an issue of public importance.

Upon careful review of the applicable law, we must request reconsideration because the proposed commercial use is not allowed in a residential zone. A firearms dealership is not a home occupation, in accordance with the traditional circumscribed meaning and understanding of that term. Maurer v. Snyder, 199 Md. 551 (1952); Anderson, American Law of Zoning 3d, Sec. 13.01, et seq. (1986); see Zoning Commissioner's Policy Manual, Sec. 101 (1992).

The firearms dealership is a "sporting goods" use permitted in the B.L. (Business, Local) zone under BCZR Sec. 230. Even professional offices within homes are subject to special exception review and standards. BCZR 1B01.1C9b.

The requested use thus falls under the general disallowance of commercial uses in residential zones, or of any uses not explicitly permitted in the district. Leimbach Construction Co. v. Baltimore City, 257 Md. 635 (1970); Kowalski v. Lamar, 25 Md.App. 493 (1975).

Lawrence E. Schmidt, Esquire  
Baltimore County Zoning Commissioner  
August 9, 1995  
Page Two

The law turns on the character of the use, rather than the details of the operation or the lack of the usual exterior trappings. The petitioner conducts, as a matter of law, the essence of a sporting goods dealership.

As the Court of Appeals concluded in Maurer, if this use were construed as a "home occupation", the "residential character of a [residential] district would have little meaning or legal protection."

Very truly yours,



Peter Max Zimmerman  
People's Counsel for Baltimore County



Carole S. Demilio  
Deputy People's Counsel

PMZ/CSD/caf

cc: Joseph A. and Kathryn L. Whitt, Petitioners  
Arnold (Pat) Keller, Director, Office of Planning  
Michael Gambrill, Baltimore County Police Chief



# Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse  
400 Washington Ave.  
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN  
People's Counsel

CAROLE S. DEMILIO  
Deputy People's Counsel

October 12, 1995

Lawrence E. Schmidt, Esquire  
Baltimore County Zoning Commissioner  
Old Courthouse, Room 118  
400 Washington Avenue  
Towson, MD 21204

Hand-delivered

Re: Petition for Special Hearing  
14207 Longnecker Road  
E/S Longnecker Road, 400' N of Piney  
Grove Road, 4th Election District,  
3rd Councilmanic  
PETITIONER: NEIL STEVEN KRAVITZ  
Case No. 96-89-SPH

Dear Mr. Schmidt:

It has come to our attention that a Petition for Special Hearing has been filed in the above-captioned matter to permit the sale of firearms from a residence in an R.C.-2 zone.

This issue has been addressed in a similar case, Joseph A. Whitt, et ux., Case No. 95-468-SPH, which has been appealed to the County Board of Appeals by our office.

We wish to reiterate our position that the sale of a commodity such as firearms is not a home occupation as defined in Baltimore County Zoning Regulations (BCZR) Section 101, and is not a permitted use in an R.C.-2 zone.

Moreover, a "sporting goods store" is a permitted use in the B.L. (Business, Local) zone under BCZR Sec. 230.9, in the B.M. (Business, Major) zone under BCZR Sec. 233.1, and in the B.R. (Business, Roadside) zone under BCZR 236.1. Thus, this use is not permitted in any other zone except as expressly permitted under the BCZR.

We attach copy of our letter to you in Whitt, Case No. 95-468-SPH. We also include herewith copy of letter received in the Whitt case from Captain William Kalista detailing the concerns of the Baltimore County Police Department regarding permitting this activity in a residence. We believe these concerns generally apply to the instant case as well.

Lawrence E. Schmidt, Esquire  
Baltimore County Zoning Commissioner  
October 12, 1995  
Page Two

Very truly yours,



Peter Max Zimmerman  
People's Counsel for Baltimore County



Carole S. Demilio  
Deputy People's Counsel

CSD/PMZ/caf

cc: Jay Fred Cohen, Esquire, attorney for Petitioner  
(Via facsimile and first class mail)

Arnold (Pat) Keller, Director, Office of Planning



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

January 18, 1996

William E. Carlson, Esquire  
SHAPIRO & OLANDER  
36 S. Charles Street, Suite 2000  
Baltimore, MD 21201

RE: Case No. 96-89-SPH  
Neil S. Kravitz -Petitioner

Dear Mr. Carlson:

Pursuant to a telephone request from your office, enclosed is a copy of the Zoning Commissioner's Order of October 17, 1995 in the subject matter, which was appealed to this Board on October 25, 1995. A hearing date has not yet been scheduled before the Board.

Should you have any questions, please call me at 887-3180.

Very truly yours,

A handwritten signature in cursive script that reads "Kathleen C. Bianco".

Kathleen C. Bianco  
Administrative Assistant

Enclosure



Del D. Gambrill  
of Police



Baltimore County Police  
Headquarters  
700 East Joppa Road  
Towson, Maryland 21286-5501

(410) 887-2214  
Fax (410) 821-8887

INTEGRITY . . FAIRNESS . . SERVICE

Date

Name  
Address

RE: Federal Firearms License

In 1994, the United States Congress passed the Violent Crime Control and Law Enforcement Act of 1994. Part of this Act concerns the issuance of Federal Firearms Licenses which now requires compliance with state and local law as a condition for obtaining / maintaining a license.

Baltimore County Zoning regulations require that a person engaged in the business of selling goods do so at a location which is properly zoned. Zoning regulations require that the place of business, the address on the Federal Firearms License, be located in a commercially zoned area. A review of the Baltimore County Zoning Maps indicates that the address indicated on your license is a residential area thereby requiring that a wavier or exception be granted in order to allow you to continue operating as a Federal Firearms Licensee. If you expect to continue to operate as a licensee please take the appropriate steps to comply with Baltimore County Zoning law and regulation within the next 60 days.

Please forward any request for a zoning exception or variance to the below address. Failure to comply with Baltimore County Zoning will result in the Bureau of Alcohol, Tobacco and Firearms denying you your Federal Firearms License.

If additional information is needed, please contact:

Sergeant Mark Cowley  
Baltimore County Police Department  
Criminal Investigative Service Division  
Firearms Violence Unit  
(410) 887-2150

11 4  
6/10 11  
11 2  
11 11

Nationally Accredited Since 1984



Peter Max Zimmerman  
page three  
September 5, 1995

I hope you find these thoughts useful. Undoubtedly there are additional issues that also exist. I would like to be informed of other petitions that may arise regarding this issue. I would be available to discuss this matter in greater detail should the need arise.

Sincerely,

*Capt William Kalista*

Captain William Kalista  
Commanding Officer  
CISD Property & Support Services

Del D. Gambrill  
of Police



Baltimore County Police  
Headquarters  
700 East Joppa Road  
Towson, Maryland 21286-5501

(410) 887-2214  
Fax (410) 821-8887

INTEGRITY . . . FAIRNESS . . . SERVICE

Date

Name  
Address

RE: Federal Firearms License

In 1994, the United States Congress passed the Violent Crime Control and Law Enforcement Act of 1994. Part of this Act concerns the issuance of Federal Firearms Licenses which now requires compliance with state and local law as a condition for obtaining / maintaining a license.

Baltimore County Zoning regulations require that a person engaged in the business of selling goods do so at a location which is properly zoned. Zoning regulations require that the place of business, the address on the Federal Firearms License, be located in a commercially zoned area. A review of the Baltimore County Zoning Maps indicates that the address indicated on your license is a residential area thereby requiring that a wavier or exception be granted in order to allow you to continue operating as a Federal Firearms Licensee. If you expect to continue to operate as a licensee please take the appropriate steps to comply with Baltimore County Zoning law and regulation within the next 60 days.

Please forward any request for a zoning exception or variance to the below address. Failure to comply with Baltimore County Zoning will result in the Bureau of Alcohol, Tobacco and Firearms denying you your Federal Firearms License.

If additional information is needed, please contact:

Sergeant Mark Cowley  
Baltimore County Police Department  
Criminal Investigative Service Division  
Firearms Violence Unit  
(410) 887-2150

11 4  
600 1  
11 2  
5.8. 77

Nationally Accredited Since 1984



**Michael D. Gambrill**  
Chief of Police



**Baltimore County Police**  
Headquarters  
700 East Joppa Road  
Towson, Maryland 21286-5501

(410) 887-2214  
Fax (410) 821-8887

*INTEGRITY . . FAIRNESS . . SERVICE*

September 5, 1995

Mr. Peter Max Zimmerman  
People's Counsel for Baltimore County  
Old Court House, Room 47  
400 Washington Avenue  
Towson, Maryland 21204

Dear Mr. Zimmerman,

In a recent conversation we discussed the steps the Police Department has taken to have Federal Firearms Licensees comply with changes in the Federal Statutes. Specifically, the Federal Crime Control and Enforcement Act of 1994 requires that federal firearm licensees must comply with all state and local laws (copy attached). As a result, we have identified 111 licensees who are operating in residential zones in violation of Baltimore County Zoning Regulations. We have sent correspondence to each of these licensees (copy attached) requesting that they take the necessary steps to comply with the relevant zoning regulations. The Police Department has taken an active role in reviewing each application for a firearms license as permitted by Federal Law. The petition of Joseph Whitt, case number 95-468-SPH is apparently the first such case to come before the Zoning Commissioner. The concern of this agency is that the licensee meet the requirements of federal, state and local law and regulations. In addition, there are many safety issues that should be recognized prior to approving a petition for a special hearing. In addition, it is recommended that appropriate restrictions be included in any waiver/exception granted by the Zoning Commissioner. The following are areas of concern:

- \* The Fire Code set limits on the amount of smokeless powder or black powder that may be stored on one's premises (copy attached).
- \* Most commercial establishments have either gun vaults and/or alarm systems to prevent the theft of firearms and ammunition. A similar provision should exist in a residential home wherein, firearms, ammunition, or gun



Peter Max Zimmerman  
page two  
September 5, 1995

powder are stored, bought, and sold. It is more critical in homes with small children in that the firearm should not be accessible to children. In any event the firearm(s) should be stored and protected in a way to prevent theft and accidental injuries.

- \* Delivery of firearms and ammunition from wholesaler to retailer is most often accomplished through commercial carriers i.e., UPS, Federal Express, etc. In the case of a commercial firearms licensee, deliveries are made during normal business hours and there is always an employee to receive/accept delivery. This is not the case with residential deliveries. With the carriers, it is not uncommon for a deliveryman to merely leave the package on the front porch or inside a doorway should no one be home at the time of delivery. This clearly may lead to increased thefts of firearms in residential neighborhoods.
  
- \* Finally, there is a need for specific restrictions/limitations to be incorporated in granting a petition. In the Whitt case, it is stated that he sells approximately 40-50 firearms per year. Furthermore, a large inventory was not maintained at the residence and firearms are usually held less than 24 hours. What is not apparent is the degree of proof offered in support of these statements. There is no intent to discredit Mr. Whitt's veracity in this matter but, some level of proof should be required. I would submit that it would not be unreasonable for any petitioner to provide purchase/sales records for a 2 or 3 year period in support of their case for a small scale operation. Furthermore, it would also be appropriate to use those same statements or facts to constrain the petitioner from greatly expanding their operation once the petition has been approved. For example, in the Whitt case, Mr. Whitt should be limited to sales not exceeding 50 firearms per year, and be prohibited from building a large inventory and holding weapons much beyond 24 hours. Such restrictions should be incorporated into any finding by the Zoning Commissioner, Board of Appeals, or the Courts. Failure to comply with the stated restrictions should be grounds for revocation of the special exception. Any changes to the restrictions should require a petition for a new hearing.

Peter Max Zimmerman  
page three  
September 5, 1995

I hope you find these thoughts useful. Undoubtedly there are additional issues that also exist. I would like to be informed of other petitions that may arise regarding this issue. I would be available to discuss this matter in greater detail should the need arise.

Sincerely,

*Capt William Kalista*

Captain William Kalista  
Commanding Officer  
CISD Property & Support Services

BALTIMORE COUNTY  
ZONING REGULATIONS

Adopted

March 30, 1955

in accordance with Title 30, Section 532(c) of the Code of Public Local Laws of Baltimore County, (1955 Edition), with subsequent amendments through December, 1963.

First edition 1955  
Second edition 1964

## DEFINITIONS

**Dwelling, One-Family:** A detached building arranged or used for occupancy by one family.

**Dwelling, Two-Family:** A building arranged or used for occupancy by two families as separate housekeeping units. It may be either a duplex or a semi-detached dwelling.

**Dwelling, Duplex:** A two-family detached building with one housekeeping unit over the other.

**Dwelling, Semi-detached:** A building that has two one-family housekeeping units erected side by side on adjoining lots, separated from each other by an approved masonry party wall extending from the basement or cellar floor to the roof along the dividing lot line, and separated from any other building by space on all sides.

**Dwelling, Group House:** A building that has not less than three nor more than six one-family housekeeping units erected in a row as a single building, on adjoining lots, each being separated from the adjoining unit or units by an approved masonry party wall or walls extending from the basement or cellar floor to the roof along the dividing lot line, and each such building being separated from any other building by space on all sides.

**Excavation, Uncontrolled:** The digging of soil, sand, gravel, rock, minerals, clay or other earthen material from a land surface for any of the following purposes:

1. When incidental to the operation of a permitted business or manufacturing use, located on the same property, but excluding any digging of material for sale, exchange, processing or manufacture;
2. For grading or other purposes incidental to improvement of the land;
3. When incidental to the development of land or to grading for public improvements.

**Excavations, Controlled:** All types of excavations other than those defined above as "Excavations, Uncontrolled".

## DEFINITIONS

**Family:** Any number of individuals lawfully living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding or rooming house or hotel.

**Farmer's Roadside Stand:** An accessory structure for the sale of articles grown or produced on the premises.

**Farming:** Commercial agricultural uses in general, and specifically crop, dairy, stock, and poultry farming; commercial greenhouses on three acres or more.

**Floor Area Ratio (F.A.R.):** The ratio of the total aggregate of all floor area of a building (or buildings, if more than one principal building occurs on a site) to its net site area (exclusive of street rights-of-way). Total floor area shall include outside walls, floor areas of basements and of all accessory buildings, including garages and sheds; and covered areas, including open porches, breezeways and carports. Both the height of any building and its amount of coverage of the land by such building may be expressed with one figure. An F.A.R. of 1.0 can mean 100% coverage of the net land by a one-story building, 50% coverage by a two-story building, 25% coverage by a four-story building, etc.

**Garage, Community:** A structure or series of structures for the storage of automobiles of residents of the neighborhood, and not used for making repairs.

**Garage, Residential:** An accessory building, portion of a main building, or building attached thereto, used for storage of private motor vehicles, only one of which may be a commercial vehicle.

**Garage, Service:** A garage, other than a residential garage, where motor-driven vehicles are stored, equipped for operation, repaired, or kept for remuneration, hire or sale.

**Home Occupation:** Any use conducted entirely within a dwelling which is incidental to the main use of the building for dwelling purposes and does not



**ARTICLE 2—ZONES: USE, HEIGHT,  
AND AREA REGULATIONS**

**R. 40 Zone—Residence, One-Family**

**Section 200—USE REGULATIONS**

The following uses only are permitted:

**200.1—One-family detached dwellings.**

**200.2—Conversion of a one-family dwelling as conditioned in Section 402.**

**200.3—Churches and other buildings for religious worship, including church schools and private schools.**

**200.4—Trailers, as limited by Section 415.**

**200.5—Research institutes, as defined in Section 101, if located on a site of 15 acres or more and if in compliance with Section 418.2.**

**200.7—Offices of a doctor or dentist but with no hospital facilities, and offices or studios of a lawyer, architect, engineer, or artist, when these or offices of similar professions are situated in the same dwelling used by any of the foregoing persons as his residence. Not more than 25% of the floor area of the dwelling shall be used for offices or studios; not more than one non-resident professional associate and two non-resident employees shall be permitted. Signs are prohibited except as noted in Section 413.**

**200.8—Home occupations, as heretofore defined in Section 101, provided that no sign shall be displayed except as noted in Section 413.**

**200.9—Accessory buildings and uses as limited by Section 400.**

**200.10—Hospitals, Class A, as defined in Section 101 and as limited by Section 407.**

**200.11—Public utility uses as follows:**

- a. Telephone and telegraph lines.
- b. Electric light and power lines, including transformers and transformer banks, when located on poles, on or contiguous to public highways, alleys, rear lot lines, railroad rights-of-way or if carrying less than 35,000 volts.

## SECTION 101 - HOME OCCUPATION

**"ANY USE CONDUCTED ENTIRELY WITHIN A DWELLING..."**

- (1) This statement is interpreted to mean that the use must be within the dwelling and cannot be within a detached garage or elsewhere in the yard area of the property in question.

**"WHICH IS INCIDENTAL TO THE MAIN USE OF A BUILDING FOR DWELLING PURPOSES..."**

- (2) This statement is interpreted based upon the common definition of the word "incidental"; i.e., that a "home occupation" is a use that happens as a result of and in connection with the principal use as a dwelling. The use must therefore be of a domestic nature.

Uses that easily fall within this definition would be a person who takes in ironing or washing of clothes, sewing or dress making, and/or cooking. Other more modern day uses such as computers used to keep track of home finances and related matters can be considered as domestic equipment. As a home occupation use, the computer must be used in a manner that is secondary or minor and can be associated in some way with the normal domestic functions of the dwelling.

**"AND DOES NOT HAVE ANY EXTERIOR EVIDENCE, OTHER THAN A PERMITTED SIGN, TO INDICATE THAT THE BUILDING IS BEING UTILIZED FOR ANY PURPOSE OTHER THAN THAT OF A DWELLING..."**

- (3) Section 413.1.A clearly indicates that an accessory use of a dwelling for a home occupation is permitted a 1 square foot sign. Any other exterior evidence that indicates that dwelling is being utilized for purposes other than a dwelling is not permitted. Such evidence would include noise, odors, or deliveries via trucks or heavy pedestrian traffic, or other vehicular traffic that is obviously generated by uses other than those normally associated with the dwelling.

**"AND IN CONNECTION WITH WHICH, NO COMMODITY IS KEPT FOR SALE ON THE PREMISES..."**

- (4) This statement clearly indicates that a person can, for instance, make dresses for customers. However, they cannot make and stock dresses for sales display on the premises.

**"NOT MORE THAN ONE PERSON IS EMPLOYED ON THE PREMISES OTHER THAN DOMESTIC SERVANTS OR MEMBERS OF THE IMMEDIATE FAMILY..."**

- (5) This statement does not clearly indicate that members of the immediate family and domestic servants must reside on the premises; however, based upon the interpretation above, i.e., a home occupation is something that happens as a result of and in connection with a dwelling. It becomes clear that other than the one employee, all other persons engaged in the home occupation must reside on the premises.

**"AND NO MECHANICAL EQUIPMENT IS USED EXCEPT SUCH AS MAY BE USED FOR DOMESTIC PURPOSES..."**

- (6) This statement further solidifies the dictionary interpretation of incidental. This requirement is intended to limit the type of equipment used in a home occupation. However, the fact that a sewing machine or circular saw qualifies as domestic does not permit its unlimited use, i.e., the home occupation must be secondary, minor and associated with the principal dwelling use.
- (7) Specifically excluded from a home occupation because they appear as Special Exception uses under Section 1B01.1.C.9B are:

Received this copy from zoning office

Kravitz  
Case

# ZONING REGULATIONS AND RESTRICTIONS

FOR

BALTIMORE COUNTY

## INDEX

| Zones-Permits, etc.       | Page | Par. |
|---------------------------|------|------|
| A                         | 5    |      |
| B & C                     | 7    |      |
| D & E                     | 8    |      |
| F                         | 10   |      |
| G                         | 11   |      |
| Exceptions                | 11   |      |
| Non-Conforming Use        | 12   |      |
| Special Except. & Permits | 12   |      |
| Quarry, Sand Pit, etc.    | 13   | B    |
| Auto Parking              | 13   | C    |
| Accessory Bldg. (Over)    | 14   | B    |
| Gas Station & Poultry     | 14   | E    |
| Any Use not Allowed       | 14   | F    |
| Graveyard                 | 14   | G    |
| Cabin Camp                | 14   | H    |
| Utility Structure         | 15   | I    |
| Public Stable             | 15   | J    |
| Junk Yard                 | 15   | K    |
| Advertising Structure     | 16   | L    |
| Fuel Oil Storage          | 17   | M    |
| Temporary Permit          | 17   |      |
| Zoning Commissioner       | 19   |      |
| Zoning Board              | 20   |      |
| Prices                    | 21   |      |

SECTION 101 - HOME OCCUPATION (continued)

Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence; does not occupy more than 25 percent of the total floor area of such residence; and does not involve the employment of more than one non-resident professional associate nor two other non-resident employees. (Bill No. 105, 1982.)

(8) INTERPRETATION:

This determination may be subject to a Special Hearing at the discretion of the Zoning Commissioner on a case by case basis.

(9) The following are the zones where home occupations are allowed by right:

| <u>Zone</u>  | <u>Section</u> |
|--------------|----------------|
| R.C.-2       | 1A01.2.B.7.c   |
| R.C.-3       | 1A02.2.A.10.c  |
| R.C.-4       | 1A03.3.A.6.c   |
| R.C.-5       | 1A04.2.A.11.c  |
| R.C.-20 & 50 | 1A05.2.B.4     |
| D.R.'s       | 1B01.1.A.14.d  |
| R.A.E.-1     | 200.2.A.3.5.1  |
| R.A.E.-2     | 201.2.A.5.1    |

- **TRADERS LICENSE:** Business addresses may be established in the home provided:

- a. all other home occupation requirements are met;
- b. all business contacts will only be by telephone or correspondence;
- c. no equipment, inventory, stock, or commodity will be DELIVERED or STORED on the premises; and
- d. an affidavit is signed by the owner of the business attesting to the above conditions to be kept on file in the zoning office.

- **TUTORING SERVICES** are permitted as a home occupation in a residential zone subject to the following conditions:

- a. a maximum of six students per day;
- b. tutoring is on a one-to-one or two-to-one basis;
- c. No more than two tutors total (one in addition to the resident);
- d. there are no commercial sales (wholesale or retail) and no commodity is delivered or stored on the premises for sale;
- e. an affidavit is signed by the owner of the business attesting to the above conditions to be kept on file in the zoning office.

Larger tutoring services in D.R. zones are considered a school and would be subject to R.T.A. requirements.

Larger tutoring services in R-0, O-1, O-2, and the commercial and industrial zones are treated as an office.

A small group of children are permitted to be tutored by a teacher in an existing school.

15. Garage, Private: An accessory building used only for storage of not more than three motor driven vehicles, only one of which may be a commercial vehicle.

16. Garage, Public-Storage: Garage other than a private garage in which the repair facilities are incidental to its primary use for storage.

17. Garage, Public Service: A garage other than a private or public storage garage where motor driven vehicles are stored, equipped for operation, repaired, or kept for remuneration, hire or sale.

18. Height of Building: The vertical distance measured from the average ground level at the front of the building to the highest point of the building.

19. Home Occupation: An occupation in connection with which there is used no display, (other than signs otherwise herein permitted), that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; in connection with which there is kept no stock in trade or commodity sold upon the premises, no person employed other than servants or a member of the immediate family residing on the premises, and no mechanical equipment except such as is used for purely domestic or household purposes.

20. Junk Yard: Any land or area used, in whole or in part, for storage of paper, rags, scrap metal or other junk or for the storage of automobiles not in running condition or for the dismantling of automobiles or other vehicles or machinery.

21. Lot: Land occupied, or to be occupied, by a building and its accessory buildings, together with such open spaces as may be required under these regulations, having its frontage upon a public street.

22. Lot, Corner: A lot fronting on and at the intersection of two or more streets intersecting at an angle or not more than one hundred thirty-five (135) degrees.

23. Lot Lines: Lines bounding a lot. Provided, however, that the lot lines shall conclusively be presumed to be the lines separating the lot from streets and highways.

24. Non-conforming Use: A building or land occupied by a use that does not conform to the provisions of the regulations for the zone in which it is located.

25. Setback: The shortest distance between the building line and the street line or lot line.

26. Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it then the space between such floor and the ceiling above it, provided that a cellar shall not be considered a story.

27. Structural Alterations: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

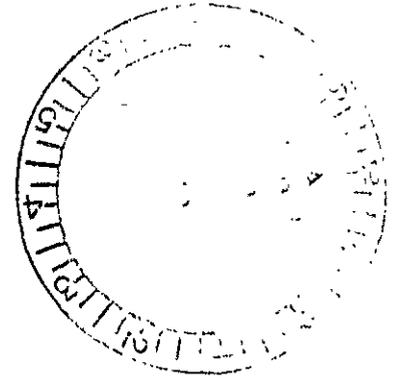
28. Stable, Private: An accessory building used only for the stabling or keeping of horses, and/or other animals, (not more than three in number) for private use only and not for livery or hire.

29. Stable, Public: An accessory building and/or other building, other than a private stable where horses and/or other animals are kept for livery or hire.

30. Tourist Cabin Camp: Any land on which there is located or erected one or more cabins, structures, tents or out-buildings, other than trailer or house car or combined trailer and house car, and other than a dwelling on the same premises, which are used or occupied, whether habitually or infrequently, as a dwelling, lodging or sleeping place by one or more persons, and shall include any structure or building used as a service building for such camp or intended for use as part of the equipment of such camp.

31. Tourist Home: A dwelling used exclusively (other than residence of the family) to provide not more than five rooms for rent to transients.

PRELIMINARY Report of the  
Baltimore County Planning Board  
Adopted February 16, 1978



PROPOSED AMENDMENT TO THE BALTIMORE COUNTY ZONING REGULATIONS:  
FORTUNE TELLERS

Baltimore County Office of Planning and Zoning  
Towson, Maryland

PROPOSED AMENDMENT TO THE BALTIMORE COUNTY ZONING REGULATIONS  
FORTUNE TELLERS

---

A Preliminary Report of the Baltimore County Planning Board\*

DISCUSSION

Because Section 18-10 of the Baltimore County Code was recently repealed, foretelling (or pretending to foretell) the future has become a legal business pursuit in the County. The Zoning Regulations, however, contain no specific provision for this type of business.

The Planning Board feels that this sort of commercial use should be confined to the commercial zones and subject to the standards already established for uses allowed by special exception. Accordingly, this report proposes adding fortune tellers to the lists of uses allowable in these zones. This report is a response to County Council Resolution No. 26-77.

RECOMMENDATION

It is recommended that the Baltimore County Zoning Regulations, 1955, as amended, be further amended as set forth below.

1. Insert the following new item in Subsection 230.13, in alphabetical order:

Fortune tellers;

2. Insert the following new item in Subsection 233.4, in alphabetical order:

Fortune tellers;

3. Insert the following new item in Subsection 236.4, in alphabetical order:

Fortune tellers;

\*Adopted February 16, 1978.

PROPOSED AMENDMENTS TO THE BALTIMORE COUNTY ZONING REGULATIONS:  
FORTUNE TELLERS

---

A Final Report of the Baltimore County Planning Board\*

DISCUSSION

Because Section 18-10 of the Baltimore County Code was recently repealed,

foretelling (or pretending to foretell) the future has become a legal business pursuit in the County. The Zoning Regulations, however, contain no specific provision for this type of business.

The Planning Board feels that this sort of commercial use should be confined to the commercial zones. Accordingly, this report contains proposals that would clearly remove fortune telling from the "home occupation" category of uses and would make it a permitted use (that is, as a matter of right) in all the business zones.

RECOMMENDATIONS

It is recommended that the Baltimore County Zoning Regulations, 1955, as amended, be further amended as set forth below.

\*Adopted \_\_\_\_\_, 1978

FINAL Report of the  
Baltimore County Planning Board  
Adopted April 20, 1978

PROPOSED AMENDMENTS TO THE BALTIMORE COUNTY ZONING REGULATIONS:  
FORTUNE TELLING

Baltimore County Office of Planning and Zoning  
Towson, Maryland

PROPOSED AMENDMENTS TO THE BALTIMORE COUNTY ZONING REGULATIONS:  
FORTUNE TELLING

---

A Final Report of the Baltimore County Planning Board\*

DISCUSSION

Because Section 18-10 of the Baltimore County Code was recently repealed, foretelling (or pretending to foretell) the future has become a legal business pursuit in the County. The Zoning Regulations, however, contain no specific provision for this type of business.

The Planning Board feels that this sort of commercial use should be confined to the commercial zones. Accordingly, this report contains proposals that would clearly remove fortune telling from the "home occupation" category of uses and would make it a permitted use (that is, as a matter of right) in all the business zones.

RECOMMENDATIONS

It is recommended that the Baltimore County Zoning Regulations, 1955, as amended, be further amended as set forth below.

1. In Section 101, amend the definition of "Home Occupation" as follows, by adding the underscored material:

Home Occupation: Any use conducted entirely within a dwelling which is incidental to the main use of the building for dwelling purposes and does not have any exterior evidence, other than a permitted sign, to indicate that the building is being utilized for any purpose other than that of a dwelling; and in connection with which no commodity is kept for sale on the premises, not more than one person is employed on the premises other than servants or members of the immediate family, and no mechanical equipment is used except such as may be used for domestic purposes. A "home occupation" does not include fortune telling.

2. Insert the following new item in Subsection 230.9, in alphabetical order:

Fortune telling establishments;

# County Council of Baltimore County Maryland

Legislative Session 1978, Legislative Day No. 24

BILL NO. 124-78

---

Mr. Eugene Gallagher, Councilman

---

By the County Council, October 2, 1978

---

## A BILL ENTITLED

AN ACT to allow fortune telling in business zones, by repealing and re-enacting with amendments, the definition "Home Occupation" in Section 101-Definitions, Article 1 — General Provisions, of the Baltimore County Zoning Regulations, and by adding a new use, "Fortune Telling Establishments" to subsection 230.9 of Section 230-Use Regulations, Article 2 — Elevator-Apartment Residence Zones, Business and Manufacturing Zones, and Districts of said zoning regulations.

WHEREAS, the County Council has received a final report from the Baltimore County Planning Board, and has held a public hearing thereon, recommending the adoption of legislation regarding removal of fortune telling from the home occupation category of uses and placing it as a permitted use in business zones; and

WHEREAS, the County Council has determined that the adoption of the legislation referred to herein is in the best interests of the citizens of Baltimore County; now therefore

SECTION 1. *Be it enacted by the County Council of Baltimore County, Maryland,* that the definition "Home Occupation" in Section 101-Definitions, Article 1—General Provisions, of the Baltimore County Zoning Regulations, be and it is hereby repealed and re-enacted with amendments, to read as follows:

AND AGRICULTURAL PRODUCTS. THE FIRE OFFICIAL MAY REQUIRE THAT ANY SUCH CONTAINERS OR MATERIAL STORED UPON ANY LAND SHALL BE ENCLOSED BY A FENCE OR OTHER PROTECTIVE DEVICE.

#### CHAPTER 23 HAZARDOUS MATERIALS

F-2308.1 WARNING SIGNS: EVERY ESTABLISHMENT STORING OR HANDLING FLAMMABLE OR HAZARDOUS CHEMICALS SHALL BE PLAINLY MARKED WITH SIGNS AT ALL ENTRANCES TO AREAS WHERE FLAMMABLE OR HAZARDOUS CHEMICALS ARE STORED OR USED, AND AT ANY OTHER POINT AS REQUIRED BY THE FIRE OFFICIAL. THESE SIGNS SHALL BE IN ACCORDANCE WITH THE NFPA STANDARDS IN 704-1990.

#### CHAPTER 30 - EXPLOSIVES, AMMUNITION, AND BLASTING AGENTS

F-3001.2 PERMIT REQUIRED: LICENSE FEES AND REQUIREMENTS ARE GOVERNED BY MARYLAND ANNOTATED CODE, ARTICLE 38A, SECTIONS 26-36.

F-3003.2 IN ADDITION TO THE LIMITS CONTAINED HEREIN, THE STORAGE, MANUFACTURE AND POSSESSION OF EXPLOSIVES, AMMUNITION AND BLASTING AGENTS SHALL BE ALLOWED ONLY IN ACCORDANCE WITH BALTIMORE COUNTY ZONING REGULATIONS AND MARYLAND ANNOTATED CODE, ARTICLE 38A, SECTIONS 26-36.

#### F-3010.0 EXPLOSIVES FOR USE IN FIREARMS

F-3010.1 THE FOLLOWING LIMITATIONS, CONDITIONS AND RESTRICTIONS SHALL APPLY TO ANY PERSON PROCESSING, STORING OR UTILIZING EXPLOSIVES FOR USE IN FIREARMS:

(a) PERSONAL POSSESSION - LIMITATIONS ON AMOUNT AND CONDITIONS OF USE. A PERSON MAY POSSESS UP TO 5 POUNDS OF SMOKELESS POWDER FOR THE LOADING OR RELOADING OF SMALL ARMS AMMUNITION AND UP TO 5 POUNDS OF BLACK POWDER FOR THE LOADING OR RELOADING OF A SMALL ARMS AMMUNITION OF FOR USE IN THE LOADING OF ANTIQUE ARMS OR REPLICAS OF ANTIQUE ARMS WITHOUT A LICENSE TO POSSESS EXPLOSIVES, EXCEPT AS PROVIDED IN SUBSECTION (c). HOWEVER, THE PERSON SHALL STORE THESE

EXPLOSIVES IN THEIR ORIGINAL SHIPPING CONTAINERS. ADDITIONALLY, THE PERSON MAY POSSESS THESE EXPLOSIVES ONLY FOR PERSONAL USE, WHICH IS CONFINED STRICTLY FOR USE IN FIREARMS.

(b) WHEN LICENSE IS REQUIRED: A PERSON MAY NOT POSSESS AT ANY TIME OR STORE IN ANY ONE PLACE A QUANTITY OF SMOKELESS POWDER OR BLACK POWDER FOR USE IN FIREARMS IN EXCESS OF THOSE QUANTITIES SET FORTH IN SUBSECTION (a) OF THIS SECTION WITHOUT FIRST OBTAINING A LICENSE FROM THE FIRE MARSHAL, STATE OF MARYLAND, TO MANUFACTURE, DEAL IN, OR POSSESS EXPLOSIVES UNDER ARTICLE 38A, SECTION 27B(b) AND SECTION 28, ANNOTATED CODE OF MARYLAND.

(c) BUILDING OR STRUCTURES OPEN FOR PUBLIC USE: A PERSON MAY NOT POSSESS OR STORE EXPLOSIVES FOR USE IN FIREARMS IN ANY QUANTITY IN MULTI-FAMILY DWELLINGS, APARTMENTS, DORMITORIES, HOTELS, SCHOOLS OR OTHER PUBLIC BUILDINGS, OR BUILDINGS OR STRUCTURES OPEN FOR PUBLIC USE.

#### CHAPTER 31 - FIREWORKS

F-3102.1 DEFINED. THE TERM "FIREWORKS" SHALL MEAN AND INCLUDE ANY COMBUSTIBLE OR EXPLOSIVE COMPOSITION, OR ANY SUBSTANCE OR COMBINATION OF SUBSTANCES, OR ARTICLE PREPARED FOR THE PURPOSE OF PRODUCING A VISIBLE OR AN AUDIBLE EFFECT BY COMBUSTION, EXPLOSION, DEFLAGRATION OR DETONATION, AND SHALL INCLUDE BLANK CARTRIDGES, TOY PISTOLS, TOY CANNONS, TOY CANES OR TOY GUNS IN WHICH EXPLOSIVES ARE USED, THE TYPE OF UNMANNED BALLOONS WHICH REQUIRE FIRE UNDERNEATH TO PROPEL THE SAME, FIRECRACKERS, TORPEDOES, SKYROCKETS, ROMAN CANDLES, DAYGO BOMBS, OR OTHER FIREWORKS OF LIKE CONSTRUCTION AND ANY FIREWORKS CONTAINING ANY EXPLOSIVE OR FLAMMABLE COMPOUND, OR ANY TABLETS OR OTHER-DEVICE CONTAINING ANY EXPLOSIVE SUBSTANCE, EXCEPT THAT THE TERM "FIREWORKS SHALL NOT INCLUDE MODEL ROCKETS AND MODEL ROCKET ENGINES, DESIGNED, SOLD AND USE FOR THE PURPOSE OF PROPELLING RECOVERABLE AERO MODELS AND

Section 1B01--REGULATIONS WITH RESPECT TO D.R. ZONES IN GENERAL {Bill No. 100, 1970.}

1B01.1--General Use Regulations in D.R. Zones. {Bill No. 100, 1970}

A.<sup>1</sup> Uses Permitted as of Right. The following uses, only, are permitted as of right in D.R. zones of all classifications, subject to the restrictions hereinafter prescribed: {Bills No. 100, 1970; No. 2, 1992.}

1. Dwellings as provided herein and as provided in Section 430 and subject to Section 402: {Bill No. 100, 1970; No. 2, 1992.}
  - a. In all D.R. zones: single-family detached, semi-detached or duplex dwellings. {Bill No. 2, 1992.}
  - b. In all D.R. zones: alternative site design dwellings, subject to findings of compatibility pursuant to Sections 26-206 and 26-282 of the County Code, and as provided for in the Comprehensive Manual of Development Policies. {Bill No. 2, 1992.}
  - c. In D.R. 5.5 zones, subject to findings of compatibility by the hearing officer: Group Houses, Group Houses, Back-to-Back; and Multi-Family Buildings. {Bill No. 2, 1992.}
  - d. In D.R. 10.5 and D.R. 16.0 zones: Group Houses; Group House; Back-to-Back; and Multi-Family Buildings. {Bill No. 2, 1992.}
  - e. In the case of housing for the elderly and assisted living facilities of fewer than four (see Section 432). {Bill No. 36, 1988.}
2. Trailers (see Section 415).
3. Churches, other buildings for religious worship, or other religious institutions.
4. Above-ground electrical-power, telephone, telegraph lines, except above-ground electrical power lines having a capacity of 35 kilovolts or more; pole-mounted transformers or transformer banks.
5. Other cables; conduits; gas, water, or sewer mains; or storm-drain systems: all underground.
6. Excavations, uncontrolled (as defined in Section 101).
7. Farms, produce stand in association with a farm, or limited-acreage wholesale flower farms (see Section 404). {Bill No. 41, 1992.}

Commission<sup>6</sup> to be used for non-scheduled but regular helicopter operations, and which does not serve for major support operations. As used herein, the term "major support operations" means "maintenance other than fueling; cargo loading; or any accessory operations using 2,500 square feet or more of floor area." [Bill No. 85, 1967.]

Helistop: Any area of land, water, or structural surface which is located at least 500 feet from any property line, which has been authorized by the director of Public Safety<sup>7</sup> to be used for helicopter operations, which is not a heliport, and which does not serve for major support operations (see definition for "Heliport, Type II"); OR any area of land, water or structural service<sup>8</sup> which is located closer than 500 feet to a property line, which has been authorized by the director of Public Safety<sup>9</sup> to be used for not more than 15 helicopter operations per month, which is not a heliport, and which does not serve for major support operations. [Bill No. 85, 1967.]

Hereafter: After the effective date of the provision (in which the word occurs). [Bill No. 98, 1975.]

Home Occupation: Any use conducted entirely within a dwelling which is incidental to the main use of the building for dwelling purposes and does not have any exterior evidence, other than a permitted sign, to indicate that the building is being utilized for any purpose other than that of a dwelling; and in connection with which no commodity is kept for sale on the premises, not more than one person is employed on the premises other than domestic servants or members of the immediate family, and no mechanical equipment is used except such as may be used for domestic purposes. A "Home Occupation" does not include fortune-telling. [B.C.Z.R., 1955, Bill No. 124, 1978; No. 27, 1981.]

Hospital: An institution which is licensed as a hospital by the state and which receives inpatients and provides medical, surgical, psychiatric or obstetrical care. This term includes any health-related facilities which are established in connection with a hospital and are located on the same site as the hospital. Such health-related facilities shall include, but not be limited to, diagnostic facilities, rehabilitation centers, laboratories, training facilities, outpatient care facilities, facilities for chronic or convalescent care and elderly housing facilities. [B.C.Z.R., 1955; Bill No. 37, 1988.]

["Hospital, Class A" and "Hospital, Class B" and definitions deleted by Bill No. 100, 1970.]

Hotel or Motel: A building or group of buildings containing guest rooms or units, where, for compensation, lodging is provided on a daily, weekly or similar short-term basis. A hotel or motel shall be deemed to include any establishment which provides residential

assigned to be loaded onto,  
assis of a truck or

rtable unit mounted on  
ollapsible side walls which  
er vehicle and unfold at  
living quarters.  
or without a trailer. If in  
boat is normally towed by a

vehicle. [Bills No. 29, 1974; No. 54, 1993.]

Research Institute: A building or group of buildings used primarily for basic and applied research wherein the scientific inquiry process is conducted in a manner similar to that of institutions of higher learning, and where all parts of the operation involving the development research process, e.g., product testing, are incidental to the above. [Bill No. 76, 1964.]

Residential Art Salon: A portion of a dwelling unit used for the exhibition and sale of original works of art. For the purposes of these regulations, an "original work of art" shall include a numbered reproduction from a series of no more than 50, which reproduction is individually signed by the artist. A "residential art salon" shall not include a photographic studio. [Bill No. 85, 1967; Bill No. 32, 1978.]

Residential Zone: A zone classified as R.C., D.R., R-O-A, or R.A.E. "zoned for residential purposes": Within a residential zone. [Bill No. 98, 1975; Bill No. 170, 1991.]

Restaurant, Carry-Out: An establishment whose principal business is the sale of ready-to-consume food and beverages to customers who order their food and beverages over the counter, by telephone or fax machine and whose principal characteristic is that food and beverages are consumed off the premises. {Bill No. 110, 1993.}

Restaurant, Fast Food: An establishment whose principal business is to sell ready-to-consume food and beverages in disposable containers and which is not a drive-in restaurant. A fast food restaurant has some or all of the following characteristics:

- A. Prepackaged frozen, chilled or sealed food and meals are cooked in advance for immediate sale.
- B. Food and beverages are ordered over the counter or by motorists from within their vehicles.
- C. Food and beverages are consumed on the premises of the restaurant, or within a motor vehicle on or off the premises. [Bill No. 110, 1993.]

**VIOLENT CRIME CONTROL AND ENFORCEMENT ACT OF 1994**

10 years, or

fined both. (c) T.

AGENCY PROVI-

SIONS IN

United States

Code, is amended by inserting "or a violation of such a person of section 922(x)" before the period at the end.

(2) SECTION 5032.—Section 5032 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph by inserting "or (x)" after "922(p)"; and

(B) in the fourth undesignated paragraph by inserting "or section 922(x) of this title," before "criminal prosecution on the basis".

(d) TECHNICAL AMENDMENT OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.—Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is amended by striking "which do not constitute violations of valid court orders" and inserting "(other than an offense that constitutes a violation of a valid court order or a violation of section 922(x) of title 18, United States Code, or a similar State law)."

(e) MODEL LAW.—The Attorney General, acting through the Director of the National Institute for Juvenile Justice and Delinquency Prevention, shall—

(1) evaluate existing and proposed juvenile handgun legislation in each State;

(2) develop model juvenile handgun legislation that is constitutional and enforceable;

(3) prepare and disseminate to State authorities the findings made as the result of the evaluation; and

(4) report to Congress by December 31, 1995, findings and recommendations concerning the need or appropriateness of further action by the Federal Government.

**Subtitle C—Licensure**

**SEC. 110301. FIREARMS LICENSURE AND REGISTRATION TO REQUIRE A PHOTOGRAPH AND FINGERPRINTS.**

(a) FIREARMS LICENSURE.—Section 923(a) of title 18, United States Code, is amended in the second sentence by inserting "and shall include a photograph and fingerprints of the applicant" before the period.

(b) REGISTRATION.—Section 5802 of the Internal Revenue Code of 1986 is amended by inserting after the first sentence the following: "An individual required to register under this section shall include a photograph and fingerprints of the individual with the initial application."

**SEC. 110302. COMPLIANCE WITH STATE AND LOCAL LAW AS A CONDITION TO LICENSE.**

Section 923(d)(1) of title 18, United States Code, is amended—  
(1) by striking "and" at the end of subparagraph (D);

but not possession) of  
ammunition by a juvenile  
person against an  
le or a residence in  
possession of which is  
high the transferor is  
subject to permanent  
by the juvenile sub-  
duct of the juvenile.  
en such handgun or  
ernment for the pur-  
term 'juvenile' means  
of this subsection, the  
defendant's parent or  
to enforce subpara-  
of a parent or legal  
ing in a prosecution  
shown."  
United States Code,  
a th (2) or (3) of",  
new paragraph:  
922(x) shall be fined  
year, or both, except  
e sentenced to proba-  
e incarcerated unless  
probation.  
is charged is posses-  
violation of section  
ed in any court of an  
n 922(x) or a similar  
ense consisting of con-  
i not constitute an of-  
uent for conduct that  
an offense.  
nowingly violates sec-  
imprisoned not more  
otherwise transferred  
nowing or having rea-  
intended to carry or  
se use the handgun or  
e of violence, shall be

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following new subparagraph: "(F) the applicant certifies that—

"(i) the business to be conducted under the license is not prohibited by State or local law in the place where the licensed premise is located;

"(ii)(I) within 30 days after the application is approved the business will comply with the requirements of State and local law applicable to the conduct of the business; and

"(II) the business will not be conducted under the license until the requirements of State and local law applicable to the business have been met; and

"(iii) that the applicant has sent or delivered a form to be prescribed by the Secretary, to the chief law enforcement officer of the locality in which the premises are located, which indicates that the applicant intends to apply for a Federal firearms license."

**SEC. 110303. ACTION ON FIREARMS LICENSE APPLICATION.**

Section 923(d)(2) of title 18, United States Code, is amended by striking "forty-five-day" and inserting "60-day".

**SEC. 110304. INSPECTION OF FIREARMS LICENSEES' INVENTORY AND RECORDS.**

Section 923(g)(1)(B)(ii) of title 18, United States Code, is amended to read as follows:

"(ii) for ensuring compliance with the record keeping requirements of this chapter—

"(I) not more than once during any 12-month period; or

"(II) at any time with respect to records relating to a firearm involved in a criminal investigation that is traced to the licensee."

**SEC. 110305. REPORTS OF THEFT OR LOSS OF FIREARMS.**

Section 923(g) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(6) Each licensee shall report the theft or loss of a firearm from the licensee's inventory or collection, within 48 hours after the theft or loss is discovered, to the Secretary and to the appropriate local authorities."

**SEC. 110306. RESPONSES TO REQUESTS FOR INFORMATION.**

Section 923(g) of title 18, United States Code, as amended by section 110405, is amended by adding at the end the following new paragraph:

"(7) Each licensee shall respond immediately to, and in no event later than 24 hours after the receipt of, a request by the Secretary for information contained in the records required to be kept by this chapter as may be required for determining the disposition of 1 or more firearms in the course of a bona fide criminal investigation. The requested information shall be provided orally or in writing, as the Secretary may require. The Secretary shall implement a system whereby the licensee can positively identify and establish that an individual requesting

informati  
agency to  
SEC. 110307. N  
LI  
Section 9  
ing at the enc  
"(1)  
enforcem  
tions of t  
whom a

St

SEC. 110401. F  
RI  
TI

(a) INTIA  
United States  
by inserting a

"(32) The  
son, the spous  
vidual who is  
who cohabita.

(b) PROF  
922(d) of title

(1) b:

(2) b

inserting

(3) b:

graph:

"(8) i

from har.

such per:

gaging it

in reason

that this

recei

oppo.

credi

ner o

use,

mate

caus.

(c) PROI

922(g) of title

(1) b

(2) b

(3) b

"(8) i

# JAY FRED COHEN

*Attorney At Law*

100 Church Lane  
Baltimore, Maryland 21208  
~ ~ ~ ~ ~

Telephone - (410) 484-3050

Fax - (410) 653-1546

October 26, 1995

Mr. Arnold Jablon, Director  
Department of Permits and Development  
111 West Chesapeake Avenue  
Towson, Md. 21204

RE: Petition for Special Hearing  
Case No. 96-89-sph  
e/s Longnecker Road  
Neil Steven Kravitz

Dear Mr. Jablon:

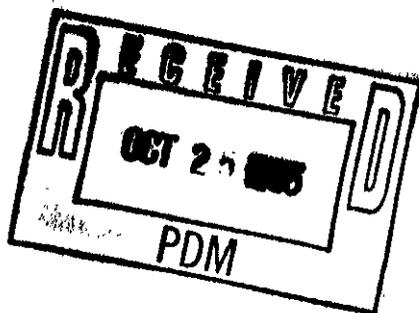
Please consider this letter an appeal from the Zoning Commissioner's decision of October 17, 1995 in Case No. 96-89 sph, Neil S. Kravitz, petitioner.

Enclosed please find my check in the amount of \$210.00 for the appeal fee.

I will again be representing Mr. Kravitz in this matter.

Very truly yours,

Jay Fred Cohen



COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

NEIL S. KRAVITZ, e/s Longnecker Road

Case No. 96-89-SPH

MEMORANDUM

This memorandum is prepared on behalf of the Appellant/Petitioner, Neil S. Kravitz, by his attorney Jay Fred Cohen.

QUESTION

1. Why did Neil Kravitz petition for a special hearing before the Zoning Commissioner of Baltimore County?
2. Why did Neil Kravitz have to request any hearing before any board, person or agency in Baltimore County to conduct in his home a "home occupation" as defined by the County regulations?
3. Why did Neil Kravitz have to apply for and obtain a Federal Firearms License and a State of Maryland Piston & Revolver Dealers license?

ANSWERS

Kravitz has always tried to be a good citizen, and comply with the laws of the federal, state or local governments. Mr. Kravitz has hobby which includes reloading ammunition for himself and others. The hobby like most hobbies such as photography, carpentry, etc. found Kravitz with a reputation for being an expert maker of reloaded ammunition and other people started asking him to make some very specific reloaded ammunition for them. These people would ask Kravitz to make a special type of ammunition to fit a specific firearm. The requests came from people involved in shooting competitions. These people "shooter" were striving for the perfect ammunition for their firearms. One may say the same way that drivers who participate in road races strive for the best tuned automobiles in order to win races.

What happens when a person with a hobby of reloading ammunition starts to reload for other people and to keep firearms overnight in his house? That person must comply with the Federal

96MPS 89-113  
COUNTY BOARD OF APPEALS

firearms laws. The law requires a person to obtain at least two Federal Firearms Licenses. Kravitz in compliance with the laws and regulations applied for and obtained the necessary licenses. The licenses issued to Kravitz are a "01-Dealer in Firearms other than Destructive devices" which is the license required if you keep a firearm owned by another person overnight, and "06- Manufacturer of ammunition for firearms other than destructive devices or armor piercing ammunition" which is required if you charge another person for reloading ammunition even if that person furnished all the necessary material to do the operation.

. A qualification for holding a Federal Firearms License required Kravitz to obtain a State of Maryland "Piston & Revolver Dealers License" which was also applied for and issued by the Maryland State Police.

Kravitz having complied with the laws and regulations required for the licenses was now required to comply with the zoning regulations. The zoning regulations are clear as stated. If you live in a residential neighborhood you may conduct a home occupation and the definition is:

"HOME OCCUPATION: Any use conducted entirely within a dwelling which is incidental to the main use of the building for dwelling purposes and does not have any exterior evidence, other than a permitted sign, to show that the building is being used for any purpose other than that of a dwelling; and in connection with which no commodity is kept for sale on the premises, not more than one person is employed on the premises other than domestic servants or member of the immediate family, and no mechanical equipment is use except such as may be used for domestic purposes. A "Home Occupation" does not include fortune-telling."

Kravitz did not put out any sign. The hobby was incidental to the main use of the building. There is no evidence to indicate that the building is being utilized for any purpose other than that of a dwelling. No commodity is kept for sale on the premises. There is no one employed on the premises. The mechanical equipment is the type of equipment use for domestic purposes by millions of people. The house is surrounded by farm land and there is only parking for two automobiles on the premises.

Then why a hearing when no neighbors have filed any complaint and no County or State agency is objecting to Kravitz conducting a "home occupation" at his home..

The answer is that the Baltimore County Police sent a letter out to "Federal Firearms Licenses" holders, a copy of which is attached. The letter implies that if a person holding any "Federal Firearms License" expects to continue to hold the license then that person must take the appropriate steps within 60 days to comply with the Baltimore County Zoning law. Because of this letter Kravitz filed the request for a special hearing, which if he were complying with the "Home Occupation" regulations should not have been necessary.

THE LAW

There are a number of cases dealing with what a "home occupation" is. Most of these cases deal with other members of the community, and mostly neighbors making complaints about the person in question conducting a business on their home which is usually in a residential neighborhood.

The only case dealing with a person requesting a decision regarding the use of their home for a "home occupation" is the case of CITY OF TAKOMA PARK V. COUNTY BOARD OF APPEALS FOR MONTGOMERY COUNTY, 259 MD 619, 270 A.2d 772. This case dealt with the question of "home occupation" and whether a woman and her two children that lived with the owner of the home and worked with him in his business then qualified for a special exception. The business in question was that of being an upholstery. Here the owner of the home used the entire first floor for his business and lived on the second floor. The regulation setting out the terms of what type of business is a "home occupation" is similar too but different from the Baltimore County regulation. Here the Board approved the upholstery business conducted by the owner as a "home occupation" and the Court of Appeals upheld the Board.

In the case of MAUER et al v. SNYDER, 199 MD 551, 87 A.2d 612, Mauer, a neighbor, filed for an injunction against Snyder claiming that Snyder was conducting a commercial business out of his private residence in violation of the zoning regulation of Anne Arundel County. The lower court dismissed the petition. The case was appealed and the Court of Appeals reversed. The Court said "A "home occupation", however, must be something which is customarily incident to the use of the premises as a dwelling." The Court went on to further help define "home occupation" by saying, "it does not include as a "home occupation" any commercial enterprise which can be conducted on a lot 565 feet deep without "usurping" the primary use of the dwelling."

In this case the use, as testified to and not rebutted, is an area of about six (6) square feet which related to an area of 2 feet by 3 feet. If we relate this to the CITY OF TAKOMA PARK case where almost half the residence was used for the upholstery business the area is well within what the Board then a use that did not interfere with the primary use of the dwelling.

## ARGUMENT

The zoning regulation is set out below and defines what is a "home occupation."

**HOME OCCUPATION: Any use conducted entirely within a dwelling which is incidental to the main use of the building for dwelling purposes and does not**

have any exterior evidence, other than a permitted sign, to indicate that the building is being utilized for any purpose other than that of a dwelling; and in connection with which no commodity is kept for sale on the premises, not more than one person is employed on the premises other than domestic servants or members of the immediate family, and no mechanical equipment is used except such as may be used for domestic purpose. A "Home Occupation" does not include fortune-telling.

The testimony is clear, concise and not disputed.

1. The use of the dwelling is incidental to the main use of the building in that the use only occupies an area of 2 feet by 3 feet.
2. There is no outside sign and there is no evidence that any type of occupation is conducted in the dwelling.
3. There's no commodity kept for sale on the premises.
4. There are no employed persons, and all of the work is done by Mr. Kravitz.
5. The hand operated, mechanical equipment is the same equipment used for domestic purposes by other people who reload ammunition in their homes all over the county, state and the nation.

This "home occupation" is no different than that of a person who builds furniture in his home, does glass blowing, does upholstery work, sells Avon products, sells vacuum cleaners, and on and on except the unusual nature that only a person who performs the services and makes the products in this case has to have certain federal and state licenses.

It is very interesting that since the hearing before the Board an anonymous telephone call was made to the Fire Marshall's office. The Fire Marshall made an inspection. The Fire Marshall found the premises to be fully compliant with all fire regulations.

Respectfully submitted.

---

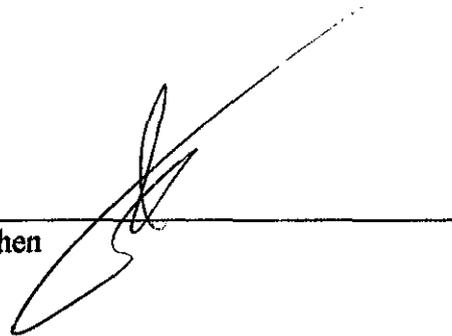
Jay Fred Cohen  
100 Church Lane  
Baltimore, Md 21208  
410-484-3050  
Attorney for Kravitz

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was mailed by first class mail on this 30th day of May, 1996 to the following named person or persons:

Carole S. Demilio, Esq.  
Office of Peoples's Counsel  
400 Washington Avenue  
Towson, Md 21204

Jay Fred Cohen

A handwritten signature in black ink is written over a solid horizontal line. The signature is stylized and appears to be 'Jay Fred Cohen'.

Del D. Gambrill  
of Police



Baltimore County Police  
Headquarters  
700 East Joppa Road  
Towson, Maryland 21286-5501

(410) 887-2214  
Fax (410) 821-8887

INTEGRITY . . FAIRNESS . . SERVICE

Date

Name  
Address

RE: Federal Firearms License

In 1994, the United States Congress passed the Violent Crime Control and Law Enforcement Act of 1994. Part of this Act concerns the issuance of Federal Firearms Licenses which now requires compliance with state and local law as a condition for obtaining / maintaining a license.

Baltimore County Zoning regulations require that a person engaged in the business of selling goods do so at a location which is properly zoned. Zoning regulations require that the place of business, the address on the Federal Firearms License, be located in a commercially zoned area. A review of the Baltimore County Zoning Maps indicates that the address indicated on your license is a residential area thereby requiring that a wavier or exception be granted in order to allow you to continue operating as a Federal Firearms Licensee. If you expect to continue to operate as a licensee please take the appropriate steps to comply with Baltimore County Zoning law and regulation within the next 60 days.

Please forward any request for a zoning exception or variance to the below address. Failure to comply with Baltimore County Zoning will result in the Bureau of Alcohol, Tobacco and Firearms denying you your Federal Firearms License.

If additional information is needed, please contact:

Sergeant Mark Cowley  
Baltimore County Police Department  
Criminal Investigative Service Division  
Firearms Violence Unit  
(410) 887-2150

11 2  
6/10 1  
11 2  
2.2. 71

Nationally Accredited Since 1984





(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:  
 "(F) the applicant certifies that—

"(i) the business to be conducted under the license is not prohibited by State or local law in the place where the licensed premise is located;

"(ii)(I) within 30 days after the application is approved the business will comply with the requirements of State and local law applicable to the conduct of the business; and

"(II) the business will not be conducted under the license until the requirements of State and local law applicable to the business have been met; and

"(iii) that the applicant has sent or delivered a form to be prescribed by the Secretary, to the chief law enforcement officer of the locality in which the premises are located, which indicates that the applicant intends to apply for a Federal firearms license."

**SEC. 110303. ACTION ON FIREARMS LICENSE APPLICATION.**

Section 923(d)(2) of title 18, United States Code, is amended by striking "forty-five-day" and inserting "60-day".

**SEC. 110304. INSPECTION OF FIREARMS LICENSEES' INVENTORY AND RECORDS.**

Section 923(g)(1)(B)(ii) of title 18, United States Code, is amended to read as follows:

"(ii) for ensuring compliance with the record keeping requirements of this chapter—

"(I) not more than once during any 12-month period; or

"(II) at any time with respect to records relating to a firearm involved in a criminal investigation that is traced to the licensee."

**SEC. 110305. REPORTS OF THEFT OR LOSS OF FIREARMS.**

Section 923(g) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(6) Each licensee shall report the theft or loss of a firearm from the licensee's inventory or collection, within 48 hours after the theft or loss is discovered, to the Secretary and to the appropriate local authorities."

**SEC. 110306. RESPONSES TO REQUESTS FOR INFORMATION.**

Section 923(g) of title 18, United States Code, as amended by section 110405, is amended by adding at the end the following new paragraph:

"(7) Each licensee shall respond immediately to, and in no event later than 24 hours after the receipt of, a request by the Secretary for information contained in the records required to be kept by this chapter as may be required for determining the disposition of 1 or more firearms in the course of a bona fide criminal investigation. The requested information shall be provided orally or in writing, as the Secretary may require. The Secretary shall implement a system whereby the licensee can positively identify and establish that an individual requesting

information  
 agency to  
 SEC. 110307. N  
 LI  
 Section 9  
 ing at the enc  
 "(1)  
 enforcement  
 tions of t  
 whom a l

St

SEC. 110401. F  
 RI  
 TI

(a) INTIN  
 United States  
 by inserting a  
 "(32) The  
 son, the spous  
 vidual who is  
 who cohabita.

(b) PROF  
 922(d) of title

(1) b;  
 (2) b

inserting  
 (3) b;

graph:

"(8) i

from har  
 such pers  
 gaging in  
 in reason  
 that this

recei  
 oppo.

credi  
 ner o

use,  
 mate  
 caus.

(c) PROF  
 922(g) of title

(1) b  
 (2) b

(3) b  
 "(8) i

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

HERB MALMUD

H. MALMUD & ASSO INC

NEIL S KRAVITZ

JAY FRED COHEN

100 CHURCH LA 21208

14207 Longneck Rd 21071

100 CHURCH LA 21208

P.O. Box 49, Boring, MD 21020

**Microsemi Corp.**

**Neil S. Kravitz**

TECHNICAL SALES SPECIALIST  
MARYLAND & VIRGINIA AREA

(410) 833-2100  
FAX: (410) 833-2101



Printed with Soybean Ink  
on Recycled Paper

# VIOLENT CRIME CONTROL AND

## ENFORCEMENT ACT OF 1994

10 years, or

fine

both.

(c) T.

SIONS IN

DELINQUENCY PROVI-

United States

Code, is amended by inserting "or a violation by such a person of section 922(x)" before the period at the end.

(2) SECTION 5032.—Section 5032 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph by inserting "or (x)" after "922(p)"; and

(B) in the fourth undesignated paragraph by inserting "or section 922(x) of this title," before "criminal prosecution on the basis".

(d) TECHNICAL AMENDMENT OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.—Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is amended by striking "which do not constitute violations of valid court orders" and inserting "(other than an offense that constitutes a violation of a valid court order or a violation of section 922(x) of title 18, United States Code, or a similar State law)."

(e) MODEL LAW.—The Attorney General, acting through the Director of the National Institute for Juvenile Justice and Delinquency Prevention, shall—

(1) evaluate existing and proposed juvenile handgun legislation in each State;

(2) develop model juvenile handgun legislation that is constitutional and enforceable;

(3) prepare and disseminate to State authorities the findings made as the result of the evaluation; and

(4) report to Congress by December 31, 1995, findings and recommendations concerning the need or appropriateness of further action by the Federal Government.

### Subtitle C—Licensure

#### SEC. 110301. FIREARMS LICENSURE AND REGISTRATION TO REQUIRE A PHOTOGRAPH AND FINGERPRINTS.

(a) FIREARMS LICENSURE.—Section 923(a) of title 18, United States Code, is amended in the second sentence by inserting "and shall include a photograph and fingerprints of the applicant" before the period.

(b) REGISTRATION.—Section 5802 of the Internal Revenue Code of 1986 is amended by inserting after the first sentence the following: "An individual required to register under this section shall include a photograph and fingerprints of the individual with the initial application."

#### SEC. 110302. COMPLIANCE WITH STATE AND LOCAL LAW AS A CONDITION TO LICENSE.

Section 923(d)(1) of title 18, United States Code, is amended—  
(1) by striking "and" at the end of subparagraph (D);

People's Counsel Ex. 1



(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following new subparagraph: "(F) the applicant certifies that—

"(i) the business to be conducted under the license is not prohibited by State or local law in the place where the licensed premise is located;

"(ii)(I) within 30 days after the application is approved the business will comply with the requirements of State and local law applicable to the conduct of the business; and

"(II) the business will not be conducted under the license until the requirements of State and local law applicable to the business have been met; and

"(iii) that the applicant has sent or delivered a form to be prescribed by the Secretary, to the chief law enforcement officer of the locality in which the premises are located, which indicates that the applicant intends to apply for a Federal firearms license."

SEC. 110303. ACTION ON FIREARMS LICENSE APPLICATION.

Section 923(d)(2) of title 18, United States Code, is amended by striking "forty-five-day" and inserting "60-day".

SEC. 110304. INSPECTION OF FIREARMS LICENSEES' INVENTORY AND RECORDS.

Section 923(g)(1)(B)(ii) of title 18, United States Code, is amended to read as follows:

"(ii) for ensuring compliance with the record keeping requirements of this chapter—

"(I) not more than once during any 12-month period; or

"(II) at any time with respect to records relating to a firearm involved in a criminal investigation that is traced to the licensee."

SEC. 110305. REPORTS OF THEFT OR LOSS OF FIREARMS.

Section 923(g) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(6) Each licensee shall report the theft or loss of a firearm from the licensee's inventory or collection, within 48 hours after the theft or loss is discovered, to the Secretary and to the appropriate local authorities."

SEC. 110306. RESPONSES TO REQUESTS FOR INFORMATION.

Section 923(g) of title 18, United States Code, as amended by section 110405, is amended by adding at the end the following new paragraph:

"(7) Each licensee shall respond immediately to, and in no event later than 24 hours after the receipt of, a request by the Secretary for information contained in the records required to be kept by this chapter as may be required for determining the disposition of 1 or more firearms in the course of a bona fide criminal investigation. The requested information shall be provided orally or in writing, as the Secretary may require. The Secretary shall implement a system whereby the licensee can positively identify and establish that an individual requesting

informati  
agency to  
SEC. 110307. N  
LI  
Section 9  
ing at the enc  
"(1)  
enforcem  
tions of t  
whom a |

SI

SEC. 110401. F  
RI  
TI

(a) INTIN  
United States  
by inserting a

"(32) The  
son, the spous  
vidual who is  
who cohabita:

(b) PROF  
922(d) of title

(1) b:  
(2) b

inserting  
(3) b:

graph:  
"(8) |

from har  
such pers  
gaging it  
in reason  
that this

recei  
"oppo.

credi  
ner o

use,  
mate  
caus.

(c) PROI  
922(g) of title

(1) b  
(2) b

(3) b  
"(8) |

**Michael D. Gambrill**  
Chief of Police



**Baltimore County Police**  
Headquarters  
700 East Joppa Road  
Towson, Maryland 21286-5501

(410) 887-2214  
Fax (410) 821-8887

*INTEGRITY . . FAIRNESS . . SERVICE*

May 16, 1995

Neil S. Kravitz  
14207 Longnecker Road  
Glyndon, MD 21071

RE: Federal Firearms License

In 1994, the United States Congress passed the Violent Crime Control and Law Enforcement Act of 1994. Part of this Act concerns the issuance of Federal Firearms Licenses which now requires compliance with state and local law as a condition for obtaining/maintaining a license.

Baltimore County Zoning regulations require that a person engaged in the business of selling goods do so at a location which is properly zoned. Zoning regulations require that the place of business, the address on the Federal Firearms License, be located in a commercially zoned area. A review of the Baltimore County Zoning Maps indicates that the address indicated on your license is a residential area thereby requiring that a waiver or exception be granted in order to allow you to continue operating as a Federal Firearms Licensee. If you expect to continue to operate as a licensee please take the appropriate steps to comply with Baltimore County Zoning law and regulation within the next 60 days.

Please forward any request for a zoning exception or variance to the below address. Failure to comply with Baltimore County Zoning will result in the Bureau of Alcohol, Tobacco and Firearms denying you your Federal Firearms License.

If additional information is needed, please contact:

Sergeant Cowley  
Baltimore County Police Department  
Criminal Investigative Service Division  
Firearms Violence Unit  
700 East Joppa Road  
Towson, MD 21286-5501  
(410) 887-2150

Nationally Accredited Since 1984



**BALTIMORE COUNTY, MARYLAND**  
Board of Appeals of Baltimore County  
*Interoffice Correspondence*

DATE: January 25, 2002

TO: Arnold Jablon, Director  
Permits & Development Management  
Attn.: David Duvall

FROM: Theresa R. Shelton *trs*  
Board of Appeals

SUBJECT: **Neil S. Kravitz**  
**96-89-SPH**  
**Circuit Court Case No.: 03-C-96-9060**

Judge Kahl of the Circuit Court issued a Memorandum Opinion and Order on March 24, 1997 AFFIRMING the Board of Appeals. No further appeals have been taken in this matter. The Board of Appeals is closing and returning the file that is attached herewith.

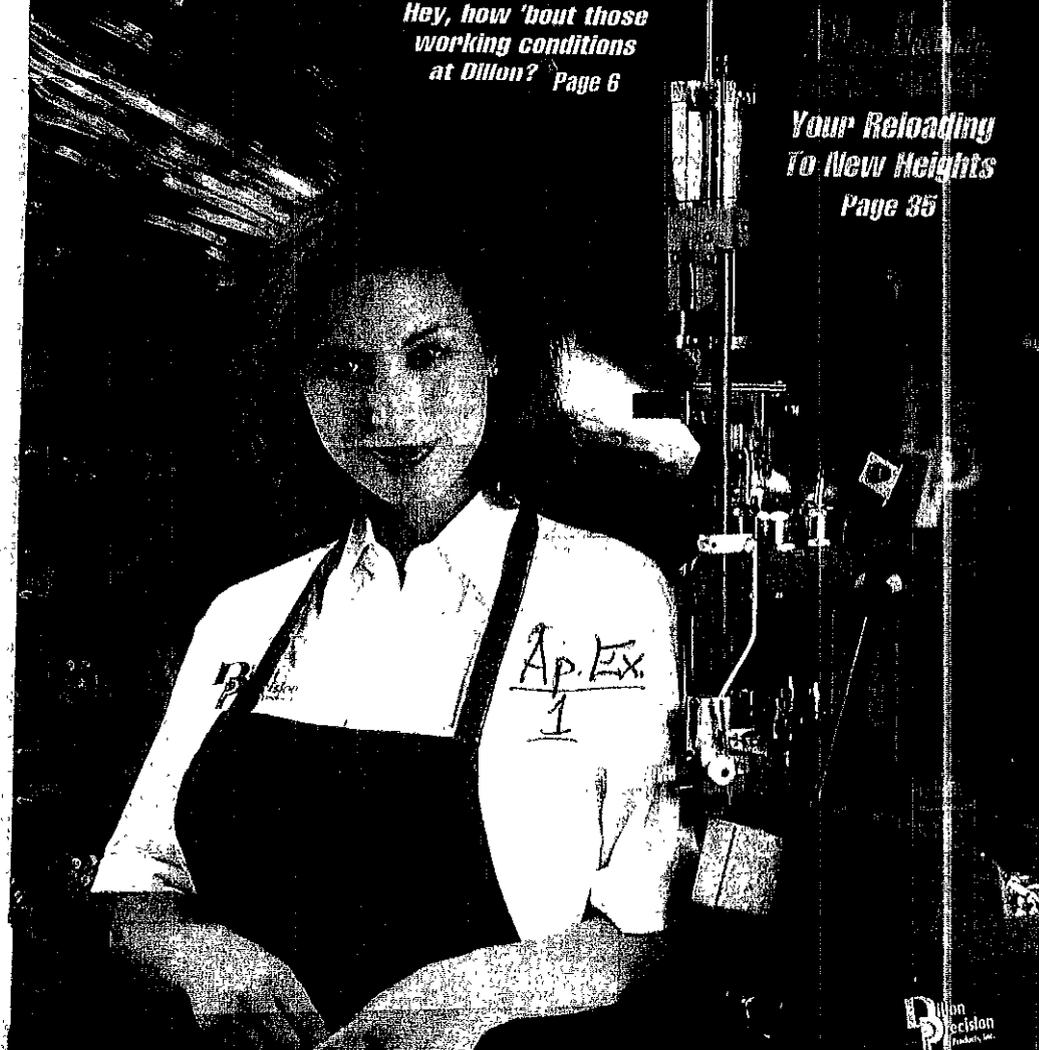
Attachment: SUBJECT FILE ATTACHED

the  
**Blue Press**

May 1996  
\$2.95 U.S./\$3.95 Canada

*Hey, how 'bout those  
working conditions  
at Dillon? Page 6*

*Your Reloading  
To New Heights  
Page 35*



**SAVE \$7 on  
BIANCHI UM-84  
Holsters!**  
Page 25

**New Products:**  
Dillon's Low Powder Sensor Page 39  
Castol/Hoppes Gun Lube Page 61  
CED 6000 Shot Timer Page 71



IN THE MATTER OF \* BEFORE THE

THE APPLICATION OF \* COUNTY BOARD OF APPEALS

NEIL S. KRAVITZ \* OF

FOR A SPECIAL HEARING ON \* BALTIMORE COUNTY

PROPERTY LOCATED ON THE EAST \* CASE NO. 96-89-SPH

SIDE LONGNECKER ROAD, 400' N \* May 2, 1996

OF THE C/L OF PINEY GROVE RD \*

(14207 LONGNECKER ROAD) \*

4th Election District \*

3rd Councilmanic District \*

\* \* \* \* \*

The above-entitled matter came on for hearing  
 before the County Board of Appeals of Baltimore County at  
 Room 49, 400 Washington Avenue, Towson, Maryland 21204 at  
 10 o'clock a.m., May 2, 1996.

\* \* \* \* \*

ORIGINAL

Reported by:

C.E. Peatt

5/2/96

Case No. 96-89-SPH

## Exhibits

### Appellant's Exhibits

- ✓ 1. Blue Press catalog
- ✓ 2. Aerial photo showing rear of subject property
- ✓ 3. Aerial photo of subject property + adjacent property
- ✓ 4. Aerial photo of subject property + adjacent property
- ✓ 5. Plat of subject property
- ✓ 6. Pack of .58 caliber processed case and .35 caliber unprocessed case and lead semi-wadcutters
- ✓ 7. Letter to Neil Kravitz from Baltimore County Police Headquarters, 5/16/95

### County Exhibits

- ✓ 1. Copy of Crime Control and Enforcement Act of 1994, Subtitle C



SCALE  
1" = 200' ±

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION  
SOUTHEAST OF  
PINEY GROVE

SHEET  
N. W.  
20-1

PHOTOGRAPHED BY  
H. HANCOCK & ASSOCIATES, INC.  
1411 W. CHURCH AVE. # 200  
BALTIMORE, MD. 21201  
TELEPHONE (410) 451-7511

**BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP.**

PETITION FOR A  
SPECIAL HEARING  
14207 LONGNECKER ROAD  
ELECTION DISTRICT 18-4  
COUNGHLIN C DISTRICT N-3  
BALTIMORE COUNTY, MARYLAND

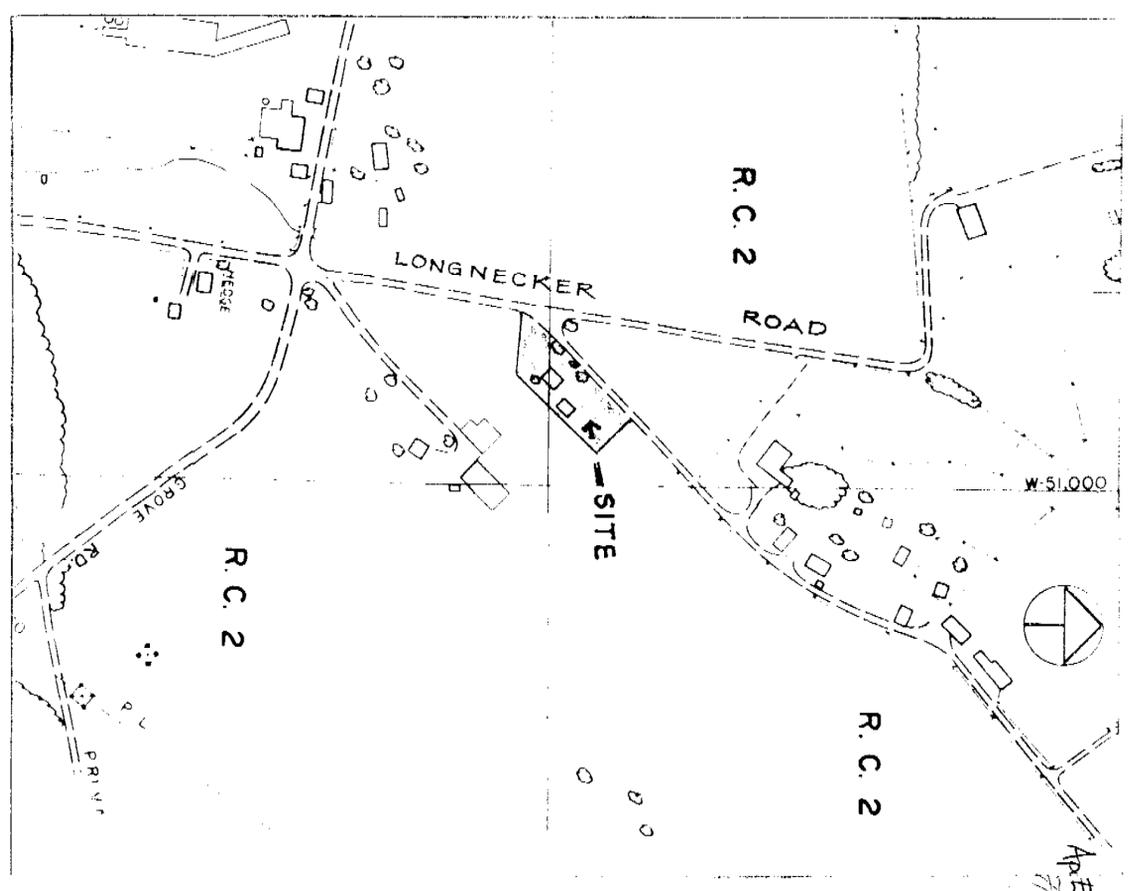
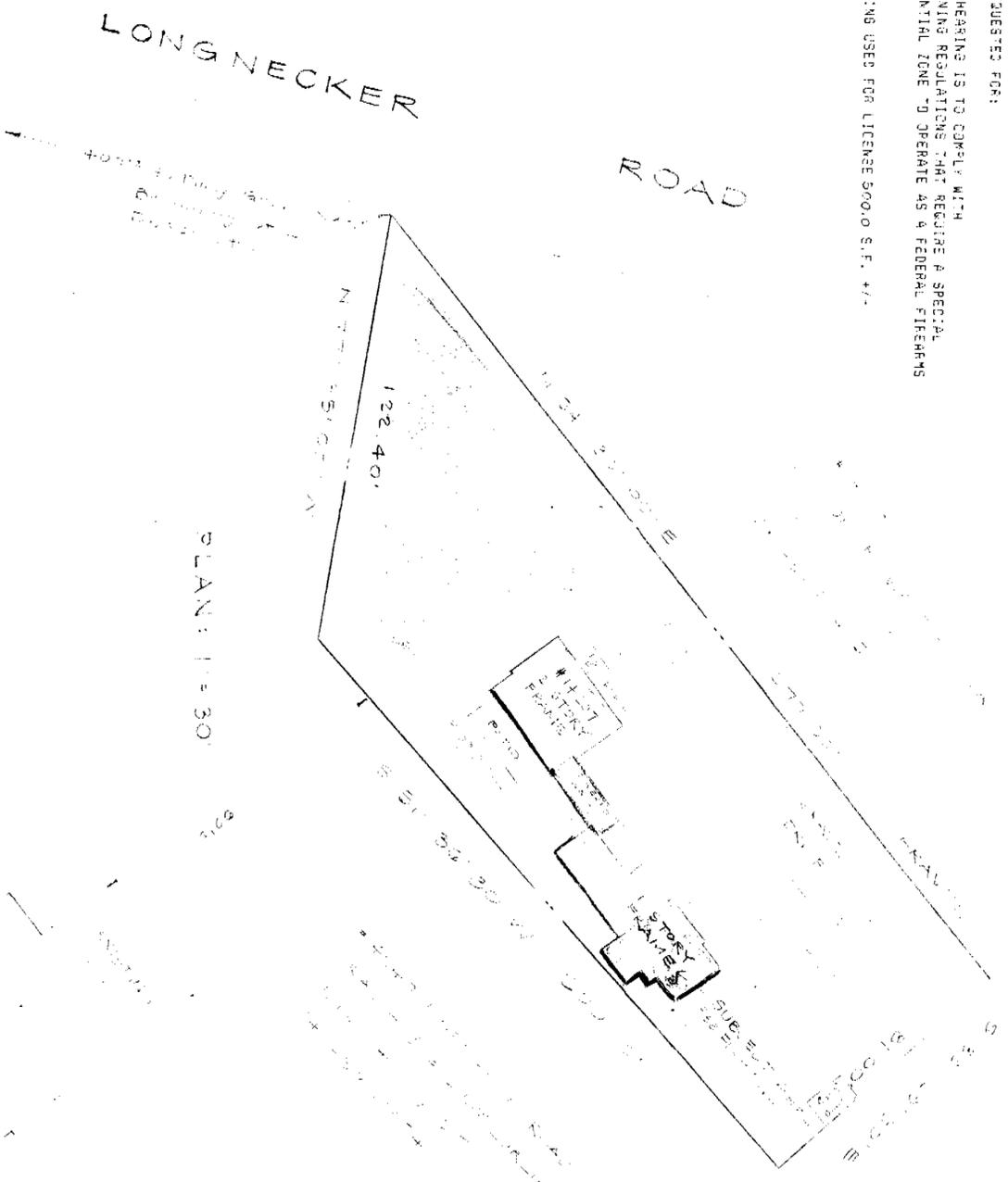
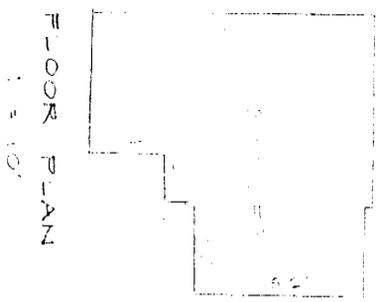
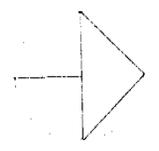
PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401



1. PETITIONER: MR. STEVEN SPRAVIT  
DEED REFERENCE: 1988 BR22, EOLID 107  
TAX ACCT. # 04-0410020240
  2. EXISTING ZONING: R.C. 2
  3. EXISTING USE: RESIDENTIAL
  4. PROPOSED USE: SAME
  5. TOTAL AREA OF PROPERTY: 0.2 ACRES
  6. PRIVATE WATER AND SEWER SERVES THIS SITE.
- PROPERTY OUTLINE SHOWN HEREON IS FROM AVAILABLE DATA AND NOT FROM A PROPERTY LINE SURVEY.
- THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY AND/OR COVENANTS OF RECORD AND LAW.

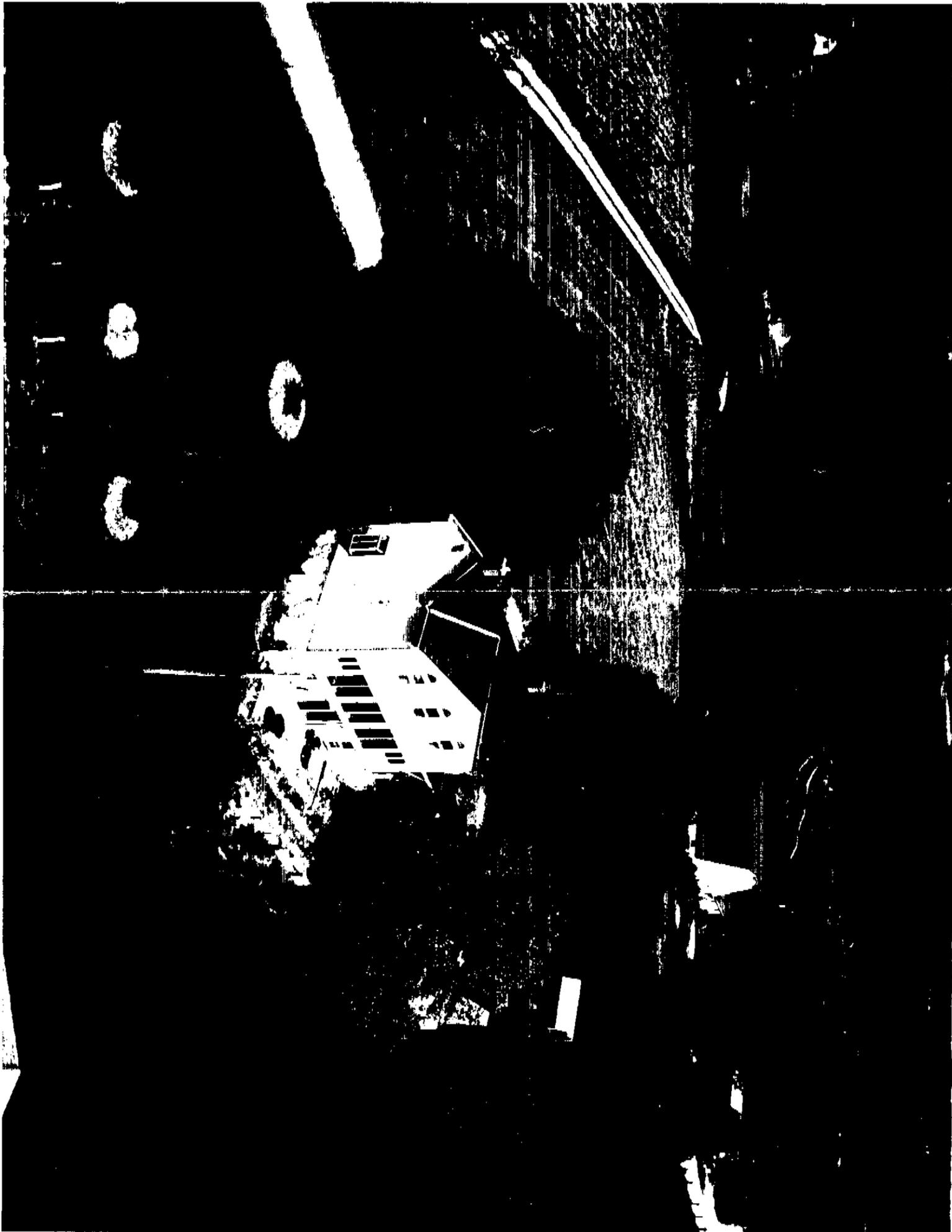
ZONING NOTES

1. SPECIAL HEARINGS REQUESTED FOR:  
THE PURPOSE OF THE HEARING IS TO COMPLY WITH BALTIMORE COUNTY ZONING REGULATIONS THAT REQUIRE A SPECIAL HEARING IN A RESIDENTIAL ZONE TO OPERATE AS A FEDERAL FIREARMS LICENSEE.
2. TOTAL FLOOR AREA BEING USED FOR LICENSE 500.0 S.F. +/-



PLAT TO ACCOMPANY  
PETITION FOR A  
SPECIAL HEARING  
14207 LONGNECKER ROAD  
ELECTION DISTRICT N#4  
SOUNDLMAN'S DISTRICT N#3  
BALTIMORE COUNTY, MARYLAND  
SCALE: 1/8" = 30' JULY 20, 1995

Prepared by:  
H. HALKUD & ASSOCIATES, INC.  
100 Church Lane  
Baltimore, Maryland 21208  
Telephone (410) 653-9511



PETITION FOR A  
SPECIAL HEARING  
14207 LONGNECKER ROAD  
ELECTION DISTRICT No 4  
COUNCILMANIC DISTRICT No 3  
BALTIMORE COUNTY, MARYLAND

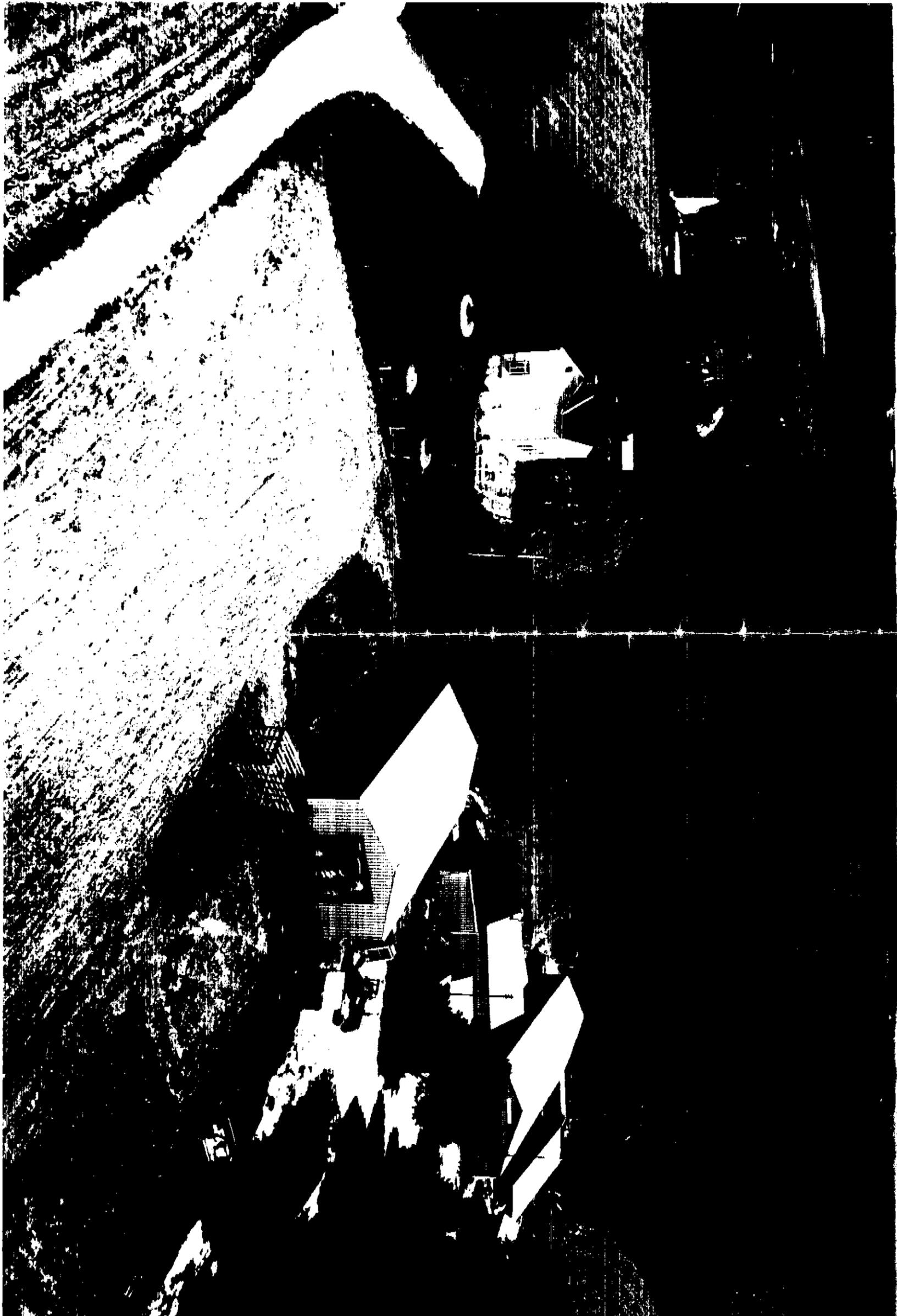
prepared by:  
H. HALNID & ASSOCIATES, INC.  
100 Church Lane  
Baltimore, Maryland 21208  
Telephone (70) 653-9511

AP EX

511 200 14 5



APR 5



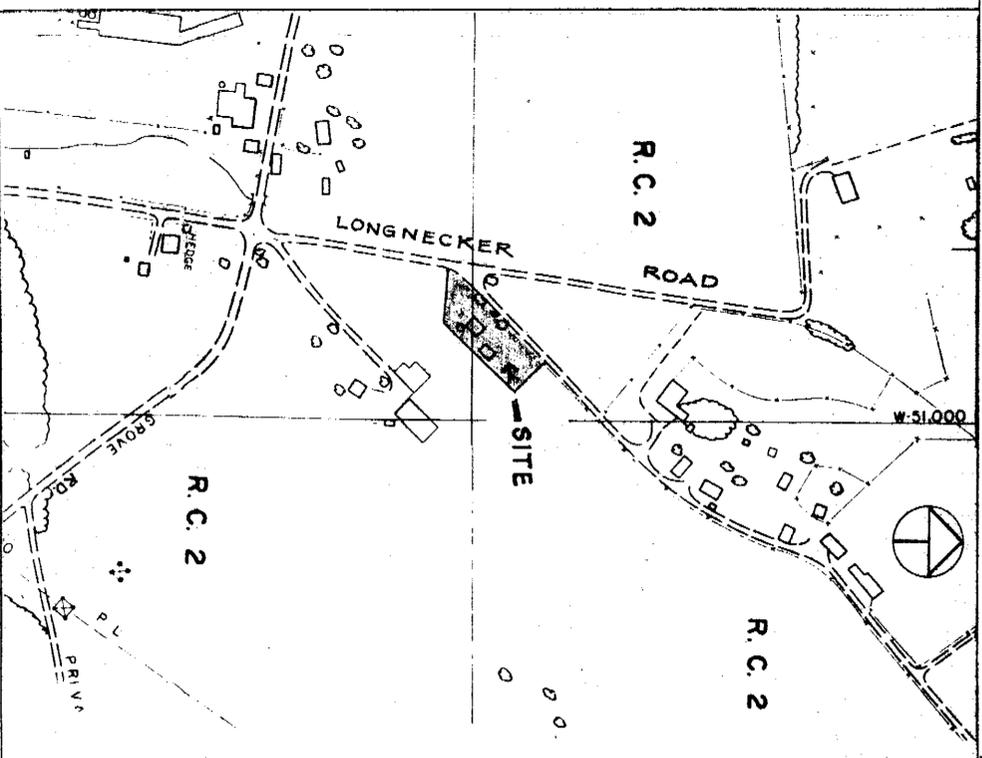
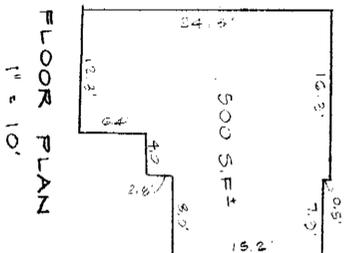
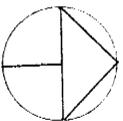
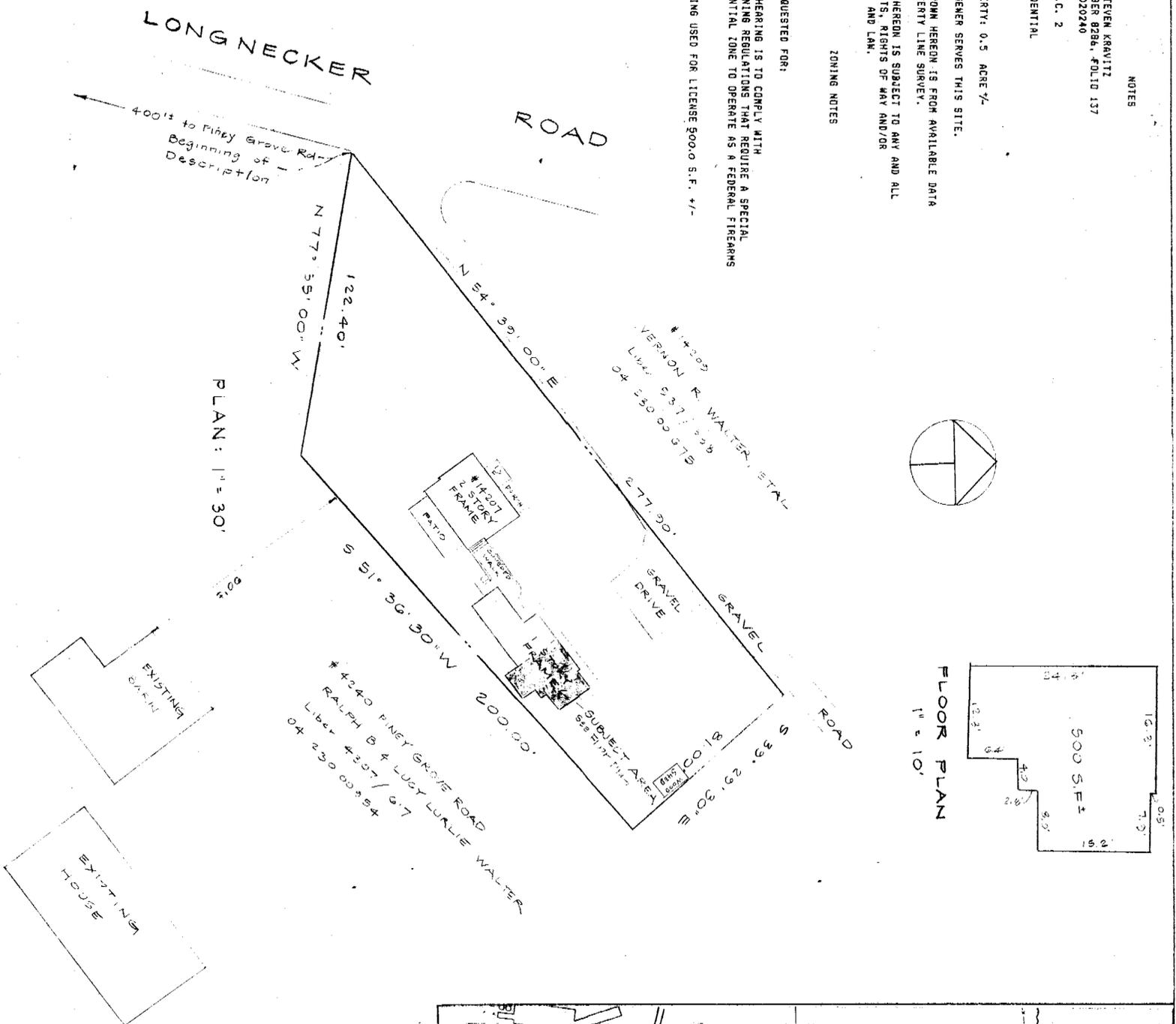
APR 24



- NOTES
1. PETITIONER: NELL STEVEN KRAVITZ  
DEED REFERENCE: LIBER 8288, FOLIO 137  
TAX ACCT. # 04-0420020240
  2. EXISTING ZONING: R.C. 2
  3. EXISTING USE: RESIDENTIAL
  4. PROPOSED USE: SAME
  5. TOTAL AREA OF PROPERTY: 0.5 ACRE +/-
  6. PRIVATE WATER AND SEWER SERVES THIS SITE.
- PROPERTY OUTLINE SHOWN HEREON IS FROM AVAILABLE DATA AND NOT FROM A PROPERTY LINE SURVEY.
- THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY AND/OR COVENANTS OF RECORD AND LAW.

ZONING NOTES

1. SPECIAL HEARING REQUESTED FOR:  
THE PURPOSE OF THE HEARING IS TO COMPLY WITH BALTIMORE COUNTY ZONING REGULATIONS THAT REQUIRE A SPECIAL HEARING IN A RESIDENTIAL ZONE TO OPERATE AS A FEDERAL FIREARMS LICENSEE.
2. TOTAL FLOOR AREA BEING USED FOR LICENSE 500.0 S.F. +/-



96-89-SPH

PLAT TO ACCOMPANY  
PETITION FOR A  
SPECIAL HEARING # 83  
14207 LONGNECKER ROAD  
ELECTION DISTRICT N# 4  
COUNCILMANIC DISTRICT N# 3  
BALTIMORE COUNTY, MARYLAND  
Scale: 1" = 30' July 26, 1995



Prepared by:  
H. MALIND & ASSOCIATES, INC.  
100 Church Lane  
Baltimore, Maryland 21208  
Telephone (410) 653-9511



PETITION FOR A  
SPECIAL HEARING  
14207 LONGNECKER ROAD  
ELECTION DISTRICT N° 4  
COUNCILMAN C DISTRICT N° 3  
BALTIMORE COUNTY, MARYLAND

**BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP.**

H. HAMB & ASSOCIATES, INC.  
1411 W. CHESAPEAKE AVE. #1200  
BALTIMORE, MD 21201  
TELEPHONE (410) 421-7511

SCALE  
1" = 200' ±

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION

SOUTHEAST OF  
PINEY GROVE

SHEET

N. W.  
20-1

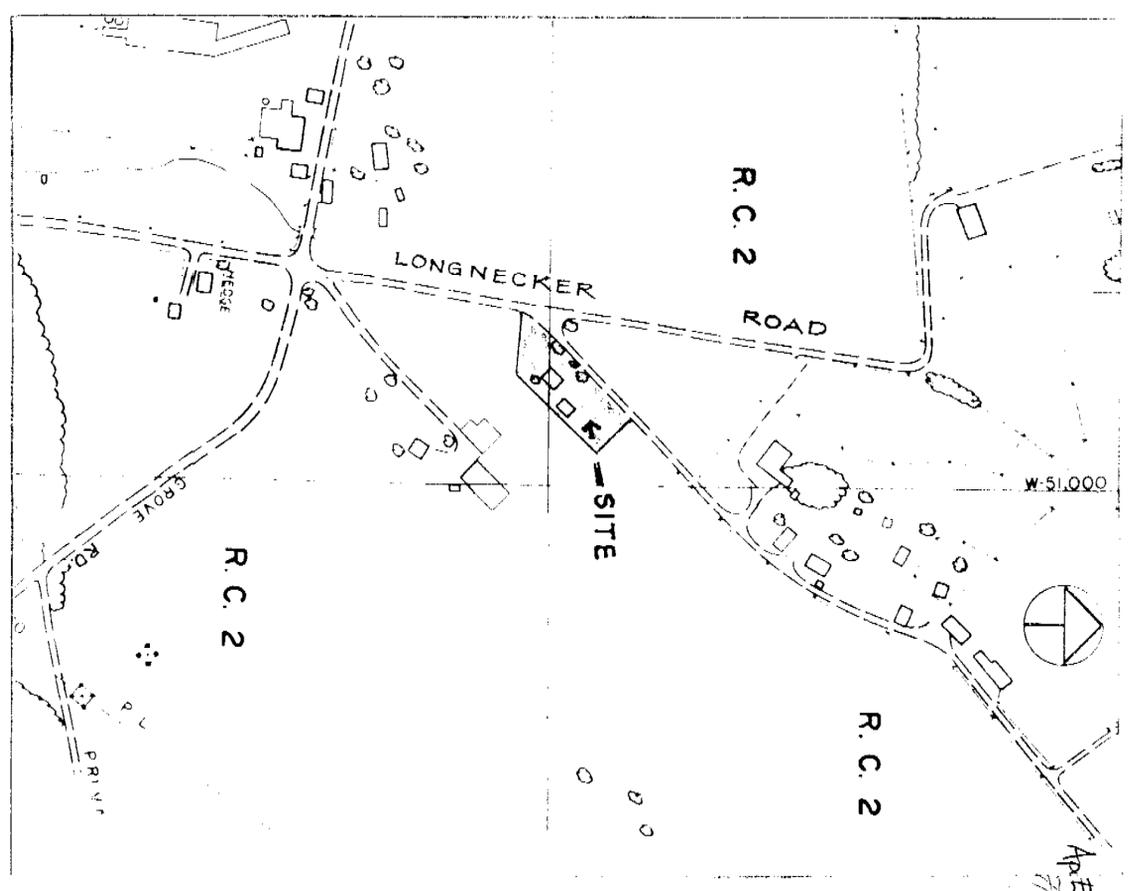
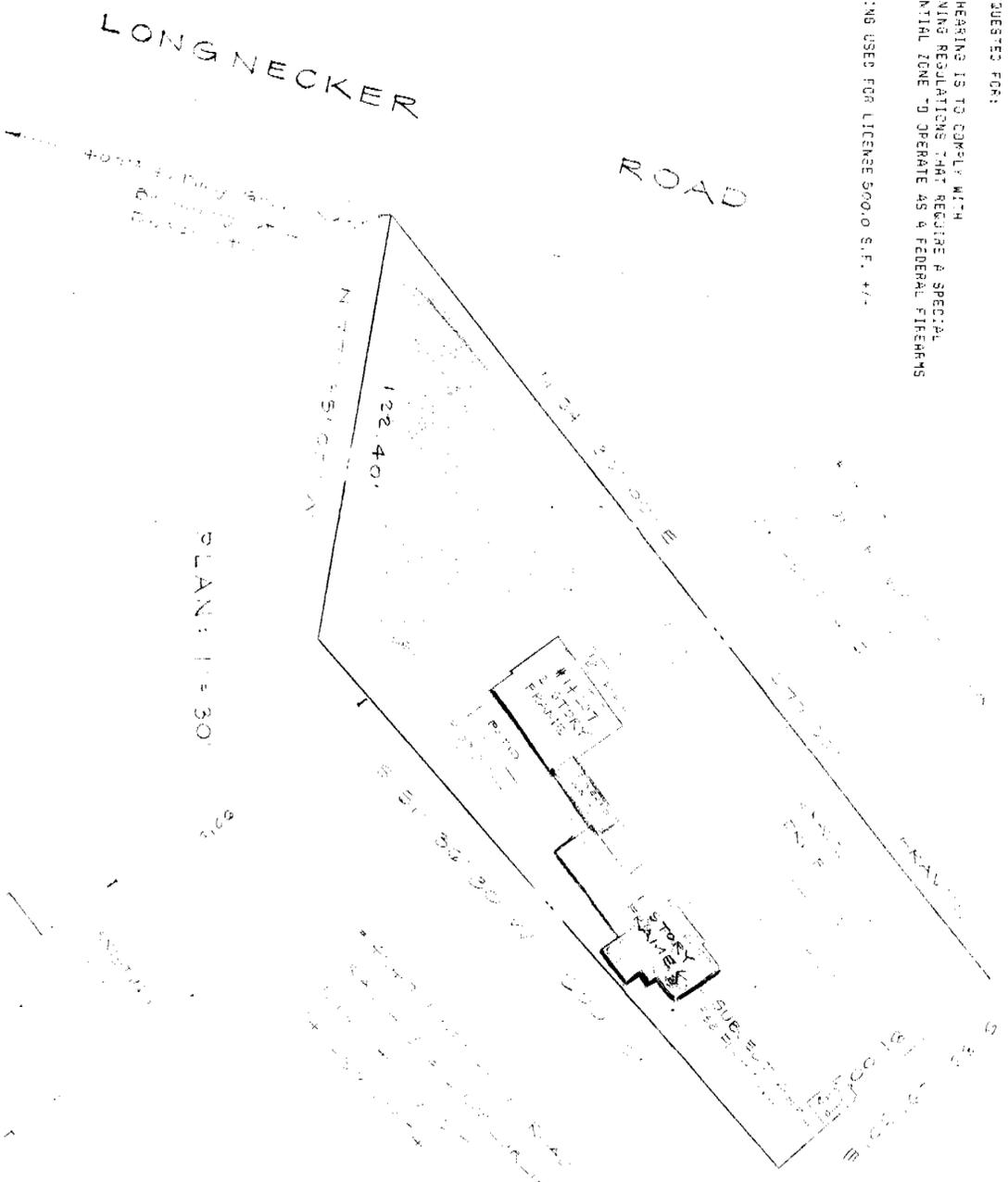
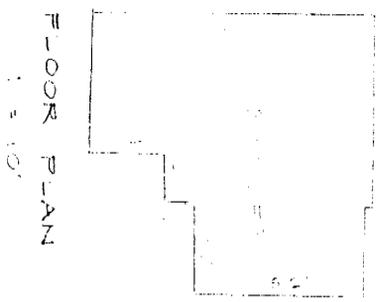
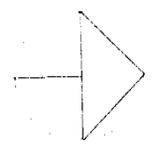
PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401



1. PETITIONER: MR. STEVEN SPADTT  
DEED REFERENCE: 1988 BR22, EOLID 107  
TAX ACCT. # 04-0410020240
  2. EXISTING ZONING: R.C. 2
  3. EXISTING USE: RESIDENTIAL
  4. PROPOSED USE: SAME
  5. TOTAL AREA OF PROPERTY: 0.2 ACRES
  6. PRIVATE WATER AND SEWER SERVES THIS SITE.
- PROPERTY OUTLINE SHOWN HEREON IS FROM AVAILABLE DATA AND NOT FROM A PROPERTY LINE SURVEY.
- THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY AND/OR COVENANTS OF RECORD AND LAW.

ZONING NOTES

1. SPECIAL HEARINGS REQUESTED FOR:  
THE PURPOSE OF THE HEARING IS TO COMPLY WITH BALTIMORE COUNTY ZONING REGULATIONS THAT REQUIRE A SPECIAL HEARING IN A RESIDENTIAL ZONE TO OPERATE AS A FEDERAL FIREARMS LICENSEE.
2. TOTAL FLOOR AREA BEING USED FOR LICENSE 500.0 S.F. +/-



PLAT TO ACCOMPANY  
PETITION FOR A  
SPECIAL HEARING  
14207 LONGNECKER ROAD  
ELECTION DISTRICT N#4  
SOUNDLMAN'S DISTRICT N#3  
BALTIMORE COUNTY, MARYLAND  
SCALE: 1/4" = 30' JULY 20, 1995

Prepared by:  
H. HALKUD & ASSOCIATES, INC.  
100 Church Lane  
Baltimore, Maryland 21208  
Telephone (410) 653-9511



PETITION FOR A  
SPECIAL HEARING  
14207 LONGNECKER ROAD  
ELECTION DISTRICT No 4  
COUNCILMANIC DISTRICT No 3  
BALTIMORE COUNTY, MARYLAND

prepared by:  
H. HALNID & ASSOCIATES, INC.  
100 Church Lane  
Baltimore, Maryland 21208  
Telephone (70) 653-9511

AP EX

511 200 14 5



APR 5



APR 24

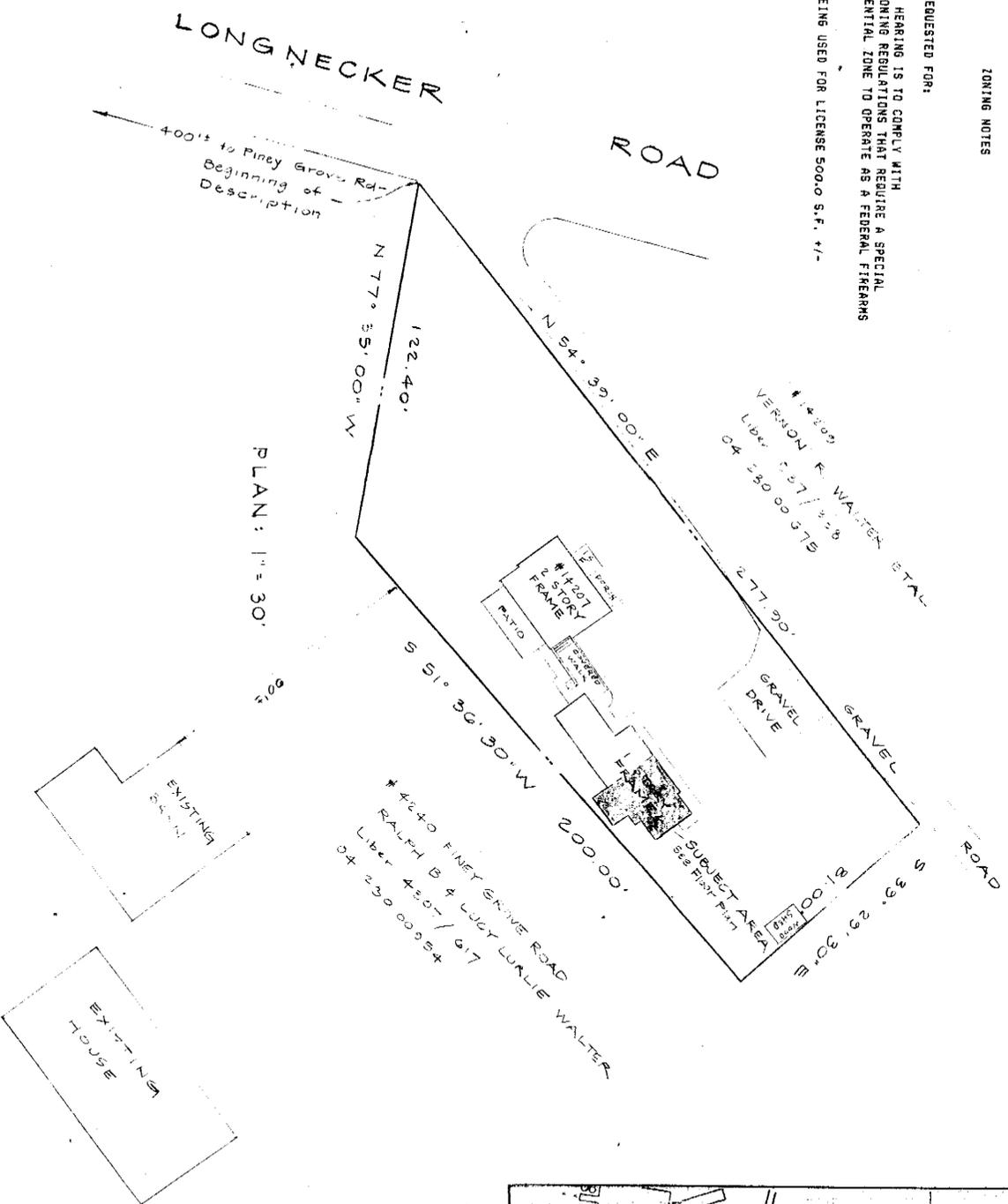
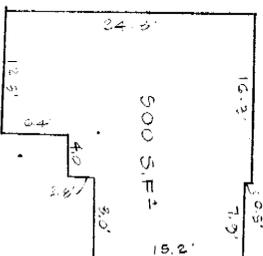
- NOTES
1. PETITIONER: NEIL STEVEN KRAVITZ  
DEED REFERENCE: LIBER 8286, FOLIO 137  
TAX ACCT. # 04-0420020240
  2. EXISTING ZONING: R.C. 2
  3. EXISTING USE: RESIDENTIAL
  4. PROPOSED USE: SAME
  5. TOTAL AREA OF PROPERTY: 0.5 ACRE +/-  
PRIVATE WATER AND SEWER SERVES THIS SITE.
  6. PROPERTY OUTLINE SHOWN HEREON IS FROM AVAILABLE DATA AND NOT FROM A PROPERTY LINE SURVEY.
- THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY AND/OR COVENANTS OF RECORD AND LAW.

ZONING NOTES

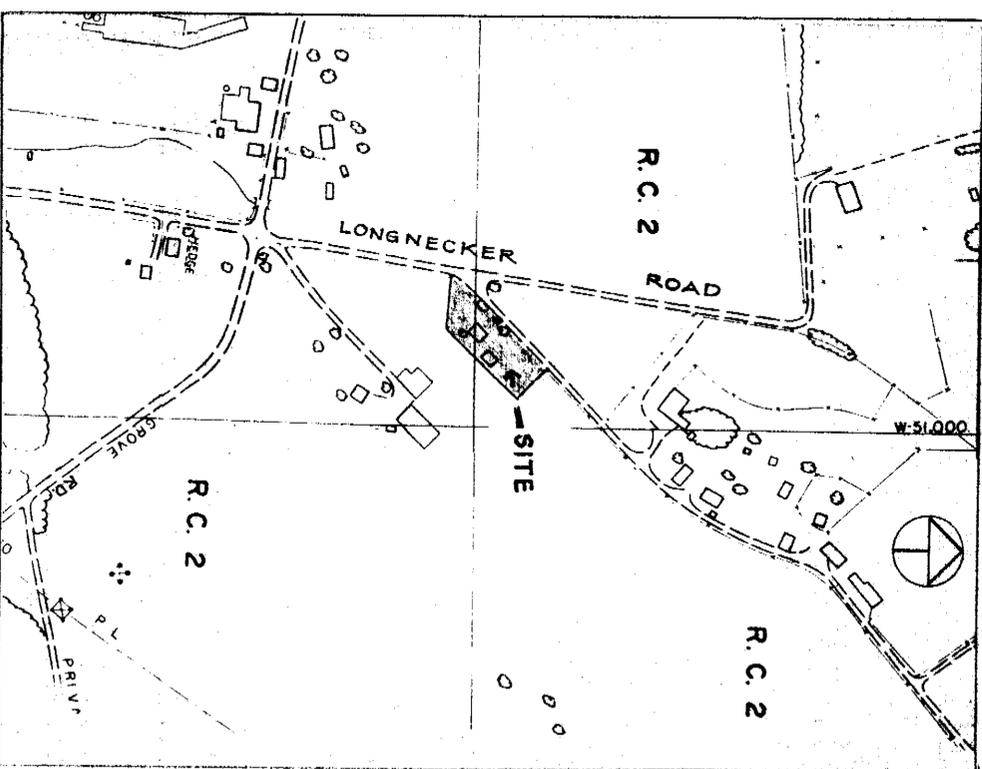
1. SPECIAL HEARING REQUESTED FOR:  
THE PURPOSE OF THE HEARING IS TO COMPLY WITH BALTIMORE COUNTY ZONING REGULATIONS THAT REQUIRE A SPECIAL HEARING IN A RESIDENTIAL ZONE TO OPERATE AS A FEDERAL FIREARMS LICENSE.
2. TOTAL FLOOR AREA BEING USED FOR LICENSE 5000 S.F. +/-



FLOOR PLAN  
1" = 10'



PLAN: 1" = 30'



ZONING & VICINITY MAP (NW 20-1)  
Scale: 1" = 200'

**96-89-SRH**

PLAT TO ACCOMPANY  
PETITION FOR A  
SPECIAL HEARING

# 83

14207 LONGNECKER ROAD  
ELECTION DISTRICT N° 4  
COUNCILMANIC DISTRICT N° 3  
BALTIMORE COUNTY, MARYLAND

Scale: 1" = 30'  
July 26, 1995



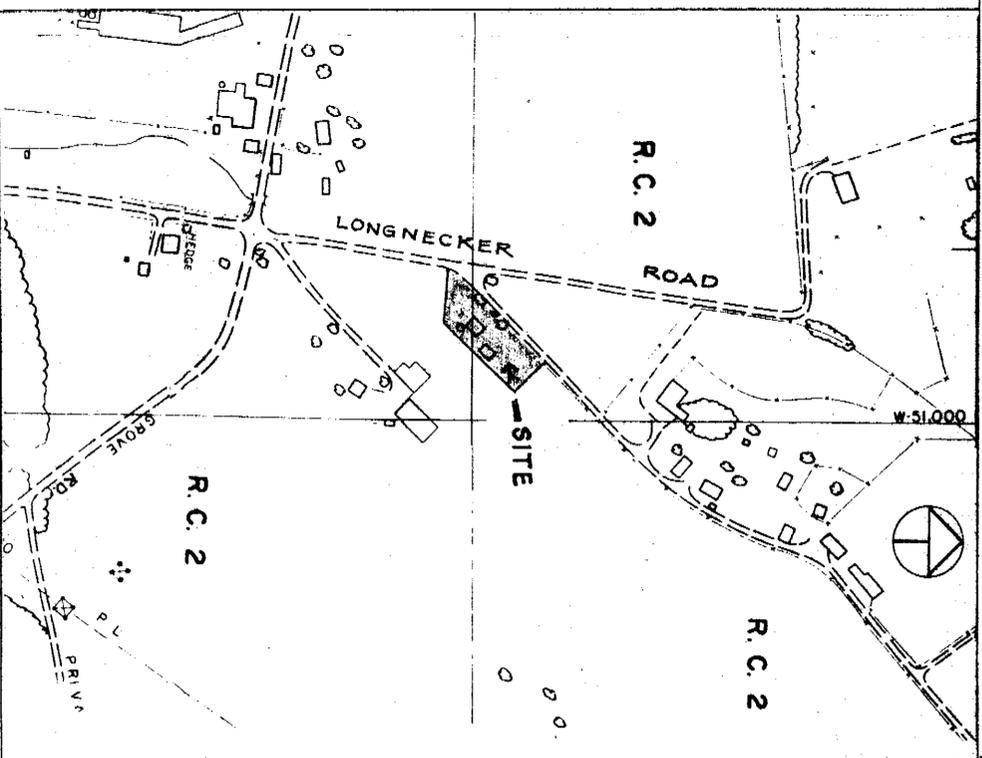
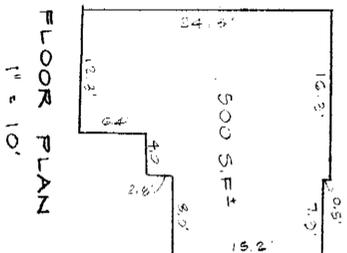
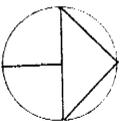
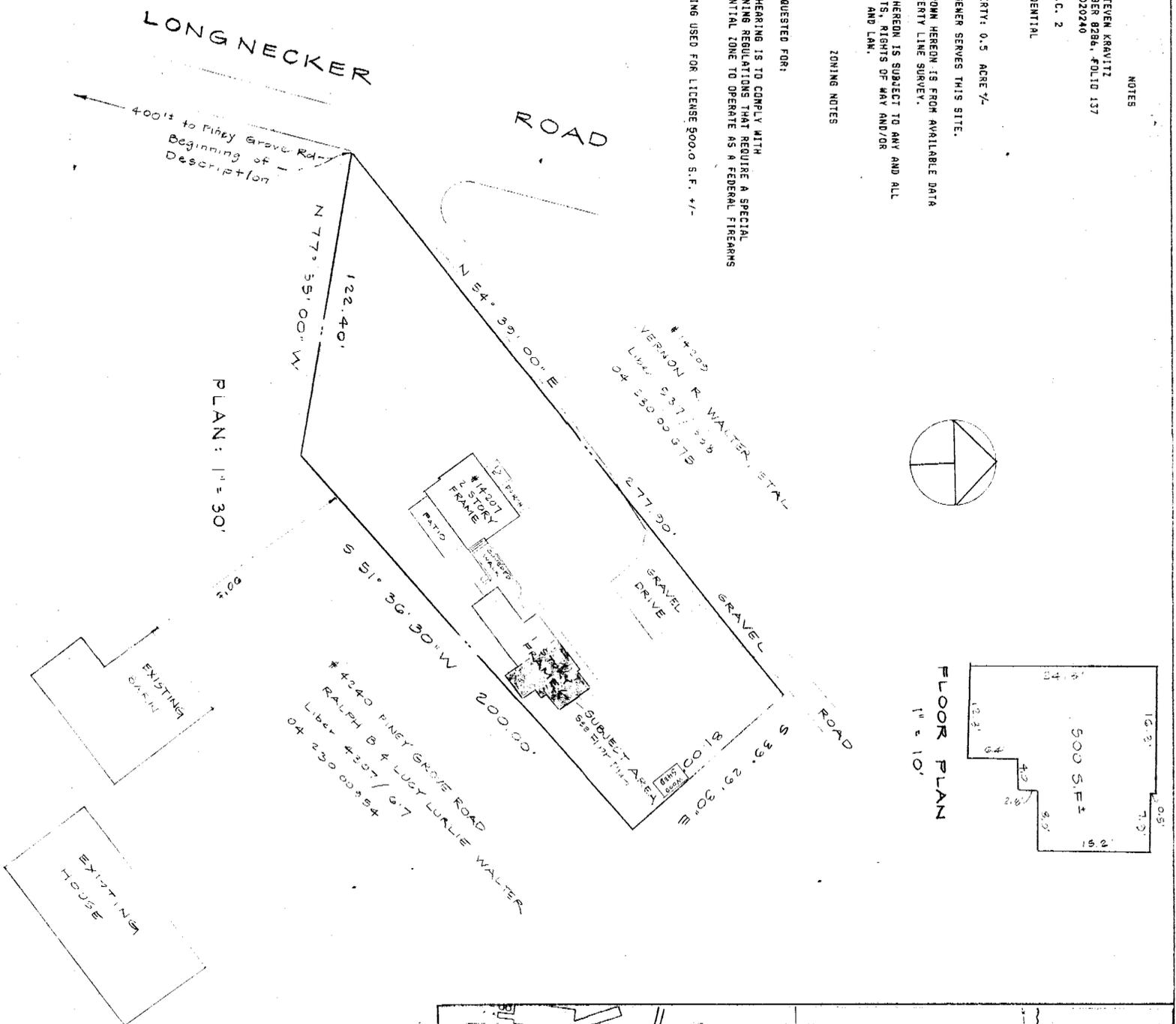
Prepared by:  
H. MALKIN & ASSOCIATES, INC.  
100 Church Lane  
Baltimore, Maryland 21208  
Telephone (410) 653-9311

9530

- NOTES
1. PETITIONER: NELL STEVEN KRAVITZ  
DEED REFERENCE: LIBER 828B, FOLIO 137  
TAX ACCT. # 04-0420020240
  2. EXISTING ZONING: R.C. 2
  3. EXISTING USE: RESIDENTIAL
  4. PROPOSED USE: SAME
  5. TOTAL AREA OF PROPERTY: 0.5 ACRE +/-
  6. PRIVATE WATER AND SEWER SERVES THIS SITE.
- PROPERTY OUTLINE SHOWN HEREON IS FROM AVAILABLE DATA AND NOT FROM A PROPERTY LINE SURVEY.
- THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY AND/OR COVENANTS OF RECORD AND LAW.

ZONING NOTES

1. SPECIAL HEARING REQUESTED FOR:  
THE PURPOSE OF THE HEARING IS TO COMPLY WITH BALTIMORE COUNTY ZONING REGULATIONS THAT REQUIRE A SPECIAL HEARING IN A RESIDENTIAL ZONE TO OPERATE AS A FEDERAL FIREARMS LICENSEE.
2. TOTAL FLOOR AREA BEING USED FOR LICENSE 500.0 S.F. +/-



96-89-SPH

PLAT TO ACCOMPANY  
PETITION FOR A  
SPECIAL HEARING # 83  
14207 LONGNECKER ROAD  
ELECTION DISTRICT N# 4  
COUNCILMANIC DISTRICT N# 3  
BALTIMORE COUNTY, MARYLAND  
Scale: 1" = 30' July 26, 1995



Prepared by:  
H. MALIND & ASSOCIATES, INC.  
100 Church Lane  
Baltimore, Maryland 21208  
Telephone (410) 653-9511